



Department for Communities and Local Government

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Your ref: EN19/EstateAgentsBoards
Our ref: PCU/ADV/X5210/3238466

Date: 17 June 2020

Dear Mr Sheehy

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007: (“the Regulations”) REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT

1. I am directed by the Secretary of State to refer to the request made by Camden Council (“the Council”) on 27 September 2019 for a Direction that deemed consent for the display of estate agents’ boards relating to the sale or letting of land or premises, which are advertisements under Class 3A of Schedule 3 to the Regulations, should be withdrawn from the entire borough of Camden.

2. The Council’s request for the making of the Direction was publicly advertised in the local press on 24 October. There were no objections to the proposed Direction and 4 representations submitted in support.

The Proposed Areas

3. The proposed Direction would cover the entire borough of Camden permanently. Alternatively, the Council suggests a Direction for a period of 10 years with two further options:

- Option 1 – a Direction limited to all Conservation Areas and town centres.
- Option 2 – a permanent Direction in place of recently expired Directions relating to Belsize Park, Redington and Frognaal and Fitzjohns and Netherhall.

The areas specified in Option1 are identified on maps provided by the Council, annexed hereto.

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The Council's reasons for making the Direction

4. The proliferation of estate agents' boards has been one of the most pressing planning enforcement issues in Camden over recent years, with complaints numbering between 212 and 354 per year from 2014-19, distributed over all parts of the Borough. Recorded complaints raise matters of visual harm due to a number of boards being displayed on a single building and to boards not being removed in a timely manner. In terms of enforcement, complaints against estate agents' boards are particularly resource-intensive to investigate as site visits and enforcement action, or prosecution where necessary, are required on a case by case basis.

5. Within the Borough, there are 41 Conservation Areas (CAs) as well as over 6,000 Listed Buildings (LBs), such that the impact of estate agents' boards, in heritage terms alone, is significant.

6. Existing measures include Permanent Regulation 7 Directions for Hampstead CA, South Hill Park CA and Swiss Cottage CA. A single, ten-year Direction remains in effect until June 2026 for: 124-280 West End Lane. Ten-year Regulation 7 Directions have previously been made between 2004 and 2007 for Belsize Park CA, Redington and Frognal CA and Fitzjohns and Netherhall CA. These had all expired by the end of 2017.

Appraisal

7. Taking into account a site visit and representations made in response to the Council's initial announcement to seek a Direction, the Inspector agrees with the Council that, where estate agents' advertisement boards proliferate on a single building or across neighbouring terraced or closely spaced buildings, especially above ground floor level, they have a marked deleterious impact on the visual amenity of the buildings affected, as well as that of local residents and passers-by enjoying the shopping or other attractions of the street. A Regulation 7 Direction to remove deemed consent, therefore, is required to improve visual amenity in line with government policy, as set out in paragraph 68 of the National Planning Policy Framework.

8. Furthermore, where buildings contain several commercial and residential units over multiple storeys in dense urban streets with extensive shopping frontages, the impact of large numbers of these advertisements is particularly damaging. The Inspector acknowledges that there is clear and unchallenged written and photographic evidence from the Council that estate agents' boards often become an incongruous and intrusive element of the street scene, sometimes unrelated to any property for sale or rent. Often, signage, or at least its untidy supporting framework, is left in place long after a property has been sold or let.

9. At the same time, it was not the Inspector's impression that this impact is so frequent or widespread that normal legislative controls would not suffice to prevent undue adverse impact on amenity across the wider areas of the Borough. That is with respect to areas not subject to particular protective designation or dense commercial and residential development. In many commercial and shopping frontages, there is already

a complex proliferation of signage calling attention to the services provided, often comprising substantial signs set perpendicular to the façade at first floor level. In this context, the occasional estate agents' board is often visually subsumed within the general street scene.

10. The Inspector notes that there is ample written evidence that the Council is obliged to devote extensive, costly resources to the enforcement of the Regulations against estate agents' advertising boards, including case by case investigation of complaints and prosecution of offenders. The Inspector considers that this mere fact carries little weight in itself. However, the evidence that these powers are required to be used so frequently is material to the central consideration of whether the deemed consent provision has led to estate agents' boards having such adverse effects on amenity that there is no prospect of an improvement in the quality of the advertising across the Borough, unless the Council is given the power to control that particular type of advertisement. Despite the number of enforcement actions recorded by the Council, The Inspector does not consider, overall, that the proliferation of estate agents' boards is so frequent or widespread over the Borough, as a whole, that the permanent Borough-wide Direction sought is justified.

11. It is clear to the Inspector from the submitted evidence and the lack of objection to and wide support for the Direction that previous area controls have been both justified and successful in controlling excessive estate agents' advertising within certain designated Conservation Areas and town centres within the Borough. Moreover, such control would be consistent with the provisions of the adopted Camden Local Plan seeking high quality design to preserve or enhance the historic environment, including by resisting advertisements that contribute to an unsightly proliferation of signage or street clutter, especially above shop frontage fascia level.

12. In concluding, the Inspector is not persuaded that the case for the permanent, Borough-wide Regulation 7 Direction, for which the Council has applied, has been established. However, with reference to Regulation 7(5)(c), the Inspector considers that a strong case has been made for a permanent Regulation 7 Direction limited to all the designated Conservation Areas and town centres of the Borough in accordance with alternative Option 1, suggested by the Council.

Formal Decision

13. For the reasons set out above, the Secretary of State is satisfied that a Regulation 7 Direction should be made to control the display of advertisements relating to the letting or sale of land or premises within the designated Conservation Areas and town centres of the Borough identified on the maps submitted by the Council. The Secretary of State is not, however, satisfied that a permanent Direction is necessary and notes that the Council has only requested a Direction in respect of the designated Conservation Areas and town centres for a period of 10 years. The Secretary of State, therefore, considers that the Direction should be for a period of 10 years.

14. A formal Direction is attached. The Council's attention is drawn to the provisions of Regulation 7(7), which specify the procedure for publishing the effect and date of operation of the Direction.

15. When this Direction is brought into effect, the display of boards in respect of the letting or sale of land or premises may only be undertaken lawfully in the areas specified in paragraph 13 above, when the Council have granted express consent for their display. In order not to prejudice the interests of persons wishing to display advertisements for land or property lettings or sales, the Council are invited to ensure that any such applications for express consent are decided within the period specified in Regulation 14(1) of the Regulations.

Right of Appeal against the Decision

16. The decision of the Secretary of State may be challenged by way of an application to the High Court and a separate note is attached to this letter setting out the circumstances in which such an application may be made.

Yours sincerely

Laura Mansell

Laura Mansell
Planning Casework Manager

Annexes

JS6: Map of Conservation Areas in the London Borough of Camden

JS7: Map of town centres in the London Borough of Camden