
PLANNING POLICY GUIDANCE:

OUTDOOR ADVERTISEMENT CONTROL

INTRODUCTION

1. The Environment White Paper, "This Common Inheritance" (Cm. 1200), stated (paragraph 6.33) that the Government would issue a Planning Policy Guidance Note on advertisement control. This Note fulfils that commitment. Guidance on advertisement control and advertisement appeals procedure is given in DOE Circular 5/92 (WO Circular 14/92).

2. All advertisements affect the appearance of the building, structure or place where they are displayed. The main purpose of the advertisement control system is to help everyone involved in the display of outdoor advertising to contribute positively to the appearance of an attractive and cared-for environment in cities, towns and the countryside. Virtually all outdoor advertisements are within the scope of the control régime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements) Regulations 1992. This régime enables local planning authorities to control advertisements, when it is justified, in the interests of "amenity" and "public safety". Some types of advertisement are excepted from detailed control; and other specified categories of advertisement qualify for what is called "deemed consent", provided they conform to stated conditions and limitations for each category. An official explanatory booklet entitled "Outdoor Advertisements and Signs - A Guide for Advertisers" can be obtained free from the local planning authority.

3. Outdoor advertising is essential to commercial activity in a free and diverse economy. Outdoor advertisements take many forms. Among the most common are:

- fascia signs and projecting signs on shops;
- pole signs at petrol-filling stations;
- sign boards at factories;
- advance signs alongside the highway;
- menu boards at restaurants and cafés;
- poster hoardings;
- notices announcing the visit of a travelling fair.

All advertisements communicate information, or a message, to passers-by. They may be permanent, for example a company's name and its business in a prominent place at the front of the premises; or they may be temporary, for example the public notification of an event taking place on one day only.

4. Many outdoor advertisements are displayed on or close to buildings. The Environment White Paper points out that, for most people, it is the appearance of a building which is of greatest importance. "A good building can contribute to a sense of pride and of place." (paragraph 8.24) But the appearance of a good building can easily be spoiled by a poorly designed or insensitively placed sign or advertisement, or by a choice of advertisement materials, colour, proportion or illumination which is alien to the building's design or fabric. Too often, outdoor advertisements seem to have been added to a building as an afterthought, so that they appear brash, over-dominant or incongruous.

The role of guidance on design

5. Many local planning authorities (LPAs) have produced design guidance on outdoor advertisements and shop-fronts, especially for conservation areas or places where vernacular buildings play an important part in the attractive appearance of a neighbourhood. Such guidance needs to recognise the importance of advertisements to the national economy. But, provided it is not excessively prescriptive, it need not stifle original designs or new display techniques. Respect for such guidance can help to ensure that signs and advertisements are in harmony with the built environment.

6. Co-operative working relationships between applicants and LPAs (including early discussion of proposals) and the willingness of designers and manufacturers to recognise the importance of sympathetic design and display in many outdoor advertisements they produce, can help to improve the general quality of outdoor advertising, especially advertisements displayed on buildings. For instance, designers should be prepared to compromise on matters of "corporate" design where it is unsuitable in a particularly sensitive area; but "corporate" designs should not be refused elsewhere simply because a planning authority dislike the design.

Advertisement control by local planning authorities

7. All outdoor advertisements are intended to catch the eye of passers-by, if only fleetingly. LPAs are enabled to keep the impact of outdoor advertisements within acceptable bounds by using their powers, in the Control of Advertisements Regulations, to limit the display of the categories of advertisement benefiting from "deemed consent", and to refuse consent for the display of other advertisements for which specific consent is required. When the LPA refuse consent for the display of an advertisement, there is a right of appeal to the Secretary of State against the authority's decision.

8. As with the main development control system, control over outdoor advertisements should be efficient, effective and simple in concept and operation. Anyone wishing to display an advertisement out of doors should not meet a slow and bureaucratic response to a straightforward proposal. The control system is not intended to delay the display of acceptable advertisements. It is an enabling system, intended to ensure that only those advertisements which will clearly have an appreciable impact on a building or on their surroundings are subject to the LPA's detailed assessment.

Criteria for dealing with advertisement applications

9. The general approach to dealing with advertisement applications is similar to the process of dealing with planning applications. But there are two important differences from ordinary planning procedures. First, the display of outdoor advertisements can only be controlled in the interests of "amenity" and "public safety". What is meant by these two terms in the Regulations is explained in paragraphs 11 to 16 of this Guidance. Secondly, it is accepted that (with one minor exception in Areas of Special Control, as specified in Regulation 19(2)(b) of the Regulations, where an applicant needs to show a reasonable requirement for an advertisement) anyone proposing to display an advertisement "needs" that advertisement in that particular location, whether for commercial or other reasons.

10. The control system is concerned with the visual effect on its surroundings of an advertisement. The subject matter of the advertisement may not be controlled by LPAs, though it may sometimes be regulated by other means.

Consideration of "amenity"

11. In assessing an advertisement's impact on "amenity", LPAs should have regard to its effect on the

appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. They will therefore consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality. When it is appropriate to consider how brightly advertisements should be illuminated, LPAs should have regard to the Institute of Lighting Engineers Technical Report Number 5 (Second Edition) available from the Institute of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby CV21 2DZ.

12. Where there is a group of buildings, whether in a city, town or village, the scale and massing of existing structures, the predominant land-use in the locality, the presence of "listed" buildings or a designated conservation area and any proposals (for example, in the development plan) for land-use change in the area will be relevant considerations. For instance, a large, brightly illuminated sign, which would appear appropriate on a department store and contribute colour, interest and vitality to some High Street shopping areas, may well be unacceptable on a corner shop in an otherwise residential locality. In the open countryside, the land-form and quality of the immediate surroundings, and whether the advertisement respects natural contours, landscape character and background features against which it will be seen, will be amongst the relevant factors. Whilst businesses located in the countryside will expect to be able to advertise their whereabouts, especially to visitors, care should be taken to ensure that signs are designed and sited to harmonise with their setting; and that a proliferation of individually acceptable advertisements does not spoil the appearance of open countryside. Wherever practicable, businesses in the same general location, or in by-passed communities, should be encouraged to combine their essential advertising needs so as to avoid a proliferation of advance signs. By-passed communities may wish to consider whether an officially approved highway sign can be produced to meet the needs of the whole community.

13. Large poster hoardings, which are often part of the fabric of commercial and industrial areas, are usually out of place anywhere else. Since 1984 published guidance has been available about the criteria for deciding applications involving poster-sites. This guidance remains relevant and is included as the Annex to this Note.

14. Amenity considerations may sometimes appear to be based on a subjective judgement. It is thus important for the LPA to be consistent in assessing visual impact in similar surroundings, so as to minimise the scope for prospective advertisers to criticise apparently inconsistent or unreasonable decisions.

Considerations of "public safety"

15. In assessing an advertisement's impact on "public safety", LPAs are expected to have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air. LPAs will therefore consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal; or possible interference with a navigational light or an aerial beacon. LPAs will also bear in mind that some advertisements can positively benefit public safety by directing drivers to their destination. In their assessment of the public safety implications of an advertisement display, LPAs will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. Further advice on assessing the public safety implications of the display of an advertisement is given in DOE Circular

16. When considering public safety factors, LPAs will usually consult other relevant organisations who have an interest in the display of the advertisement. For example, they will consult the highway authority about an advertisement which is to be displayed alongside a trunk road or within view from a motorway, or where they consider that the safety of people using the highway may be affected.

Advertisement control policies

17. Many LPAs have adopted (usually after public consultation) policies, often with associated design guidance, controlling outdoor advertisements in their area, or in particular parts of their area where the display of poorly designed advertisements will be especially harmful. Such policies and guidance can be helpful in advising prospective advertisers on the type of advertising displays which are likely to prove acceptable in the locality. The policies are sometimes associated with policies for the development of shop-fronts or commercial premises in High Street locations, or with policies for conservation areas. These policy statements will be a material factor in considering an advertisement application: as in other planning proceedings, those that are incorporated in a statutory development plan will be accorded greater weight as a material consideration. Policy statements should give clear guidance to prospective advertisers on the likely acceptability of their proposals and provide a basis for rational and consistent decisions on advertisement applications. Design guidance should allow for flexibility in design, avoiding excessive prescription and detail, and concentrating rather on the broad framework within which advertisement proposals will be considered. But even though advertisement control policies or design guidance may have been formulated having regard to matters of amenity and public safety, references to these policies and guidance cannot by themselves be the decisive factor in determining whether an advertisement is to be permitted. Because the Advertisements Regulations require that applications be considered only in the interests of amenity and public safety, taking account of any material factors, it will always be necessary to assess the specific amenity and public safety merits of the proposed advertisement display (including relevant factors mentioned in this Guidance) in relation to the particular application site.

Reasons for advertisement control decisions

18. As with all other planning control decisions, LPAs should give reasons for any advertisement control refusal which are complete, precise, clear, specific and relevant to the particular application. This is especially important for anyone who may be considering the submission of an advertisement appeal to the Secretary of State. It is *never* sufficient for the LPA merely to state that a proposal has been refused "in the interests of amenity" or "because it is contrary to the interests of public safety". The specific reasons why, in the LPA's view, an advertisement proposal is contrary to the interests of amenity, or prejudicial to public safety, *at the particular site*, must always be stated. A succinct statement of reasons is preferable. A "split" decision where part of the application proposals is acceptable and part not, enables the advertiser to be entirely clear about which part of his proposals is unacceptable.

Advertisement control conditions

19. Regulation 13, which enables LPAs to grant "express consent" for the display of an advertisement, or the use of a site for an advertisement display, also provides for the grant of consent "subject ... to such additional conditions as they think fit," The main purposes for which conditions may be imposed are:

- "(a) regulating the display of advertisements to which the consent relates;

- (b) regulating the use for the display of advertisements of the site to which the application relates or any adjacent land under the control of the applicant, or requiring the carrying out of works on any such land;
- (c) requiring the removal of any advertisement or the discontinuance of any use of land authorised by the consent, at the end of a specified period, and the carrying out of any works then required for the reinstatement of the land."

The use of this power may enable the LPA to allow an advertisement proposal for which they would otherwise have refused consent. As with ordinary planning conditions, advertisement control conditions should only be imposed where they are:

- * necessary
- * relevant to advertisement control, that is amenity and public safety
- * relevant to the proposed advertisement
- * enforceable
- * precise
- * reasonable in all other respects.

In considering whether a particular condition can be justified, a key factor is whether consent would have to be refused in the absence of the condition. If not, any such condition needs special justification in order to leave no doubt about why it is being imposed.

20. All outdoor advertisements are also required to comply with the five standard conditions imposed by the Control of Advertisements Regulations. One condition is that the advertisement, or any site used for the display of advertisements, must be maintained in a clean and tidy condition. Although such a condition may seem superfluous for an advertisement on a shop, where it will be in a trader's interest to keep the premises clean and tidy, many advertisements are displayed on isolated sites. The site can easily become covered in litter and rubbish or the advertisement's surfaces may be disfigured by graffiti. This standard condition therefore requires the advertiser to maintain the advertisement and the site in a tidy state, to the reasonable satisfaction of the LPA. Enforcement of this condition should usually be straightforward.

21. Because the Control of Advertisements Regulations provide a comprehensive and self-contained régime for the control of outdoor advertisements, it is most undesirable for LPAs to impose conditions relating to advertisements when they are granting planning permission for development which happens to include advertisement features, particularly where the condition purports to limit, or remove, the benefit of any "deemed consent" for the display of an advertisement granted by the Secretary of State, by virtue of the provisions of Regulation 6 of the Regulations.

Advertisements in Conservation Areas

22. LPAs have the power (in section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to designate conservation areas. It is reasonable to expect that more exacting standards of advertisement control will prevail in conservation areas. However, the designation of a locality as a conservation area does not necessarily justify its also being defined as an "Area of Special Control of Advertisements". Many conservation areas are thriving commercial centres where the normal range of advertisements on commercial premises is to be expected, provided they do not detract from visual amenity. LPAs should use advertisement controls flexibly in such areas, so as to conserve or enhance particular features of architectural or historic interest.

23. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that

where an area is designated as a conservation area "... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts. This includes the control of outdoor advertisements. LPAs will therefore need to bear this provision in mind when considering any advertisement application in a conservation area.

"Listed" buildings and Ancient Monuments

24. Additional controls usually apply to advertisements for display on listed buildings, and on the site of a scheduled Ancient Monument. This is because almost all advertisements on listed buildings or scheduled monuments will constitute an "alteration" to the building or the monument's site and, therefore, require listed building or scheduled monument consent in addition to any advertisement consent. Special care is essential to ensure that any advertisement displayed on, or close to, a listed building or scheduled monument does not detract from the integrity of the building's design, historical character or structure, and does not spoil or compromise its setting.

Areas of Special Control of Advertisements and other special areas

25. In the National Parks, the Broads, all Areas of Outstanding Natural Beauty and conservation areas, stricter controls usually apply to the display of advertisements which do not require the LPA's express consent. For example, the normal short-term exemption from control for balloon advertising does not apply, nor does the "deemed consent" for certain internally illuminated advertisements; and hoardings around temporary construction sites may not display an advertisement without the LPA's express consent. Because of the necessity of preserving or enhancing the appearance of these areas, applications for express consent will also be closely scrutinised to ensure that the proposals do not compromise the aims of the area's special designation.

26. The Secretary of State has approved orders defining over 45% of the land area of England and Wales as "Areas of Special Control of Advertisements". Stricter advertisement controls apply in these areas. There is a lower maximum height limit, and a smaller maximum size of letters or characters, on all advertisements displayed with "deemed consent". Some classes of advertisement, in particular general poster hoardings, may not be displayed at all.

27. The Secretary of State has taken the view that a degree of special protection, on grounds of amenity, must be justified before he approves an order. If a proposed area is largely or wholly rural, there will usually be little doubt that a special control order is appropriate. In other areas, the decisive consideration is whether a stricter degree of control is essential, *in addition to the LPA's normal powers of control (including discontinuance notices)*, to preclude the display of advertisements which would otherwise be permitted. The designation as a conservation area will be one material factor, although it may not be decisive. For example, the proposed area may be a small enclave, in an otherwise mainly commercial city-centre, where there are important architectural, archaeological, historical or visual characteristics. Such an area might comprise the precincts of a cathedral and neighbouring ecclesiastical buildings, or a historic market-place. Before concluding that an Area of Special Control should be defined, and formally proposing it, the LPA are expected to consult local trade and amenity organisations about the proposal. If an order is approved, the LPA are required to review it at least at five-yearly intervals, taking account of changes which may have occurred in the locality meantime. Further advice on the designation of Areas of Special Control is given in DOE Circular 5/92 (WO 14/92).

The secretary of state's direction-making power

28. Regulation 7 of the Control of Advertisements Regulations enables the Secretary of State, subject

to prior consideration of any objections, to make a statutory direction which effectively removes the benefit of the "deemed consent" provisions for any of the particular Classes of advertisement specified in Schedule 3 to the Regulations (except for three minor exceptions) in a defined area, or a particular place, either for a limited period or indefinitely, in response to a LPA's proposal. Before a direction is made, the Secretary of State will expect the LPA to show that it would improve visual amenity and there is no other way of effectively controlling the display of that particular Class of advertisement. As part of this process, LPAs will be asked to submit a fully reasoned statement; this will need to show that the particular "deemed consent" provisions are environmentally unsatisfactory in the area or place for which the direction is proposed. The statement should deal with the adverse effects on visual amenity; describe the remedial steps already taken to minimise these effects; give details of prosecutions for any illegal displays; and assess the likely consequences of making the direction. The comments of interested organisations, and individuals whose interests would be affected by the making of a direction, should be sought as part of the process of deciding whether a direction is apt. The use of this power has been extremely limited, for example to prevent the display with "deemed consent" of estate agents' boards in certain conservation areas of high residential amenity value in the Royal Borough of Kensington & Chelsea, the City of Westminster, the London Borough of Camden and the City of Bath.

The power to discontinue "deemed consent" advertisements

29. The right to display specified Classes of advertisement with "deemed consent" is subject to the LPA's discretion to issue what is called a "discontinuance notice", requiring an advertisement display, or the use of an advertisement site, to stop. This discretionary power may be used only where the LPA consider that an advertisement, or the use of an advertisement site, is causing substantial injury to amenity or endangering public safety. When the LPA issue a discontinuance notice, they must ensure that the notice states:

- the advertisement or advertisement site where the display or use must stop;
- the reasons why they consider that the display or use should stop;
- the effective date of the notice (which must be not less than eight weeks after it is served);
- the period within which the display or use must stop.

There is a right of appeal to the Secretary of State against a discontinuance notice. Like the LPA, the Secretary of State will consider whether the notice is necessary to remedy a "substantial injury to amenity" or a "danger to members of the public".

The operation of the advertisement control system

30. The advertisement control system must operate speedily and efficiently. Premises quite often change hands at short notice and the new owner or occupier may wish to open for business quickly to cover his rent and starting-up expenses. To that end, he will need to identify the premises immediately with the name of the business or the services it provides. These details may have been included in linked applications for both planning permission and advertisement consent, for example for a new shop-front. But, where nothing more is required than a new fascia sign or free-standing signboard, it is essential that an owner or occupier can obtain a quick decision about the acceptability of his proposals so that he can minimise the time he has to wait for the sign to be made. This is especially important for small businesses, which need to establish their identity quickly and often cannot afford the time and resources involved in submitting a range of advertisement options for the

LPA's assessment. The decision-making process can be speeded up by a willingness on the part of LPAs to delegate decisions on advertisement control matters to suitably qualified officers.

Advertisement applications and appeals to the Secretary of State

31. As with planning applications, the normal time-limit for the LPA's decision on an advertisement application is eight weeks from receipt of the application. The Secretary of State considers that LPAs should aim to decide 80% of advertisement applications within eight weeks.

32. Advertisement appeals are decided in England by the Secretary of State for the Environment, and in Wales by the Secretary of State for Wales. In cases dealt with by written representations and a site-inspection, the long-term aim is to issue the Secretary of State's decision on the appeal within fifteen weeks of receiving it in 80% of appeals in England and Wales.

ANNEX CRITERIA FOR DECIDING APPLICATIONS AND APPEALS INVOLVING POSTER-SITES

General

1. Any application to a local planning authority, or appeal to the Secretary of State, which involves the display of a poster is to be considered on its own merits with regard to the general characteristics of the locality in which it is to be displayed. Although other material factors may be taken into account in determining the application or appeal, the Control of Advertisements Regulations require that powers of control shall only be exercised in:-

- (1) the interests of amenity (which means the visual amenity of the neighbourhood where the poster is to be displayed); and
- (2) the interests of public safety (which means the safety of people using any form of travel likely to be affected by the poster display).

2. In applying the expression "in the interests of amenity" to any particular application or appeal, account should be taken not only of factors which may be detrimental to amenity but also of factors which may be to the advantage of the amenity of a locality, such as adding appropriate colour and interest to a drab area, or screening an eyesore.

3. While they are to have regard to the general characteristics of a locality (including any feature of historic, architectural, cultural or similar interest), and they may disregard existing advertisements in the locality in assessing its general characteristics, local planning authorities should nevertheless seek to ensure consistency in their general approach towards the determination of applications in particular localities; and the Secretary of State should ensure the same approach is taken to appeals.

4. Poster-panels should respect the scale of their surrounding location: when they are displayed on a paved forecourt, or in a pedestrianised area, their dimensions should be in scale with other street furniture and the effect of the display should not be overwhelming upon pedestrians in the area; but when they are displayed on buildings, or as free-standing units alongside the highway, they should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their location. Good quality hard or soft landscaping, properly maintained, can significantly enhance the appearance of a poster display and help it to blend with its surroundings.

Open countryside

5. Poster advertising is out of place in the open countryside and should not normally be allowed. There may be temporary exceptions, eg agricultural shows and similar events, but the duration of the display should be limited to a suitable period leading up to, and the duration of, the event being advertised.

Villages

6. In villages large-scale poster advertising is normally out of place; but the smaller sizes may be appropriate, depending on the character of the village and the position of the proposed display in relation to surrounding buildings and features.

Residential areas

7. Poster advertising is out of place in any predominantly residential locality and should not normally be allowed. If a locality is in a mixed use - with shops or offices interspersed with residential development, or sharing the same premises in former dwellinghouses - some poster advertising may be acceptable when it is carefully related to the scale of surrounding buildings and designed and positioned so as not to intrude upon or interrupt existing features or landmarks.

Predominantly commercial areas

(i) General

8. In predominantly commercial surroundings, the scale of the buildings may be sufficiently large to accommodate larger poster displays without any adverse effect upon visual amenity. But the scale of commercial surroundings can vary greatly, even within short distances in the same town; and it is to be expected that decisions on applications or appeals in commercial areas will seek to match the scale of poster displays with the scale of adjacent buildings.

9. In mixed commercial/residential areas much greater care should be taken in the siting of poster advertising than in a wholly commercial area, in precisely the same way as greater care should be taken with the siting of other commercial activities.

(ii) On buildings

10. A poster panel on a building should be in scale with the particular building. It should not cut across any architectural features of the building unless there are exceptional circumstances, eg windows of a disused building awaiting redevelopment. Large-scale poster advertising will normally be inappropriate on listed buildings.

11. Poster panels may be acceptable on the flank-walls of buildings, but they should not be unduly dominant, and should be so designed and positioned as to be seen as an integral feature of the building.

12. In determining whether, on grounds of amenity, the display of a poster panel is appropriate on a building, the most important criterion is the overall visual effect of the display upon the entirety of the building and its surroundings. In judging this effect, the actual use of the building may matter less than the purpose for which the building was originally designed and built.

(iii) Free-standing roadside displays

13. Free-standing roadside panels should always be in scale with the buildings on either side and in the surrounding area, in precisely the same way as any other commercial development. Large poster hoardings situated at the back-edge of the pavement, or in other prominent locations, usually have a dominant visual impact upon their surroundings, and they therefore need to be sited with particular care to ensure that their effect on pedestrians is not overwhelming.

Conservation areas

14. Poster advertising may be appropriate in the predominantly shopping and business parts of conservation areas, though particular care to ensure that the method of presentation of any posters displayed in a conservation area is compatible with the area's architectural or historic features is essential. In some areas, the smaller sizes of poster panel will be more appropriate to the scale of the

buildings. Similar considerations apply in areas which, though not formally designated as conservation areas, nevertheless contain buildings of considerable architectural or historic merit, or where the "group-value" of a number of buildings is outstanding.

Open spaces and civic buildings

15. Poster advertising may be appropriate when seen in juxtaposition with parks and open spaces, or with civic buildings, if other forms of commercial activity, eg modern shop buildings, are also seen in juxtaposition with those spaces or buildings. However, where any form of commercial activity would detract from the dignity or character of an area, poster advertising would be equally inappropriate.