

Banning Letting Boards update for CSMC

Work undertaken to date

Since the submission of the two Banning Letting Boards Petitions, officers have investigated the formal process of imposing a ban on letting boards within certain parts of the city, where it is considered that there is a perceived problem with letting boards. Officers have followed up this investigation work with discussions with other Local Authorities, which have applied to have a Banning Letting Boards process in place and the requirements of such planning powers.

The display of 'to let' boards is controlled by Schedule 3, Part 1, Class 3A of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

However, local authorities can apply to the Government for a Regulation 7 Direction (Direction Restricting Deemed Consent) for powers to ban letting boards in areas where there are specific concerns and issues. The Direction is made under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The effect of the direction is that no residential sale or letting boards may be displayed on the street frontages of the above properties without express consent, in designated areas.

Paragraph 68 of NPPF states that before a Direction to remove deemed consent is made, the local planning authority will be expected to demonstrate that the Direction would improve the visual amenity of the area and that there is no other way of effectively controlling the display of the particular class of advertisement. It also states that the comments of organisations, and individuals, whose interests would be affected by the Direction, should be sought as part of the process.

A Regulation 7 Direction would:

- Require all estate agents to apply for planning permission to put up 'To Let' boards in designated areas;
- Reduce the number of 'To Let' boards;
- Restrict the length of time boards could be left up;

From evidence gathered so far from other local authorities, it is vital that a local authority can demonstrate that it has made significant attempts to mitigate the proliferation and amenity issues of letting boards before it considers submitting for a Regulation 7 Direction, and these methods have been unsuccessful. This is because the Secretary of State will need to be convinced that a Regulation 7 Direction, would in effect, be a last case resort.

Consequently, it is vital that in order to demonstrate that all significant attempts have been made, a Voluntary Code of Practice has been used, and the results have not made a significant difference. The Secretary of State will place significant weight to the use of a Voluntary Code of Practice being attempted.

A Voluntary Code may consider the following:

- Specify size, design, location on the property;
- Time period, number per street;
- Length of time left on display;
- Specify text – eg. 'To Let', 'Gone'. 'Let by.....'

Further work to be undertaken

Officers to produce a draft Voluntary Code of Practice for the display of letting boards in the city – autumn 2016.

- Undertake consultation on the draft Voluntary Code of Practice with residents and local landlords and letting agents in the city (timing dependant upon staff resource availability and capacity given time critical work this year on both the Local Plan and a large number of Neighbourhood Plans).
- The Council would then consider the responses and whether it would be feasible to adopt a Voluntary Code of Practice in the city or alternatively whether it may appropriate and necessary to pursue a ban on letting boards, under powers of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

The success of any Voluntary Code of Practice would be established through monitoring and survey work, preferably over different times of the year to take into account any seasonal trends (such as University term time etc).

In the event that a Voluntary Code of Practice was agreed with local letting agents but was not complied with the Council may then wish to pursue undertaking a ban on letting boards, under powers of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007. This would require the provision of a comprehensive survey work assessment and supporting information and evidence to justify the removal of the deemed consent provisions.

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