

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT

The Secretary of State for Housing, Communities and Local Government ('the Secretary of State') is satisfied, upon a proposal made to him by Nottingham City Council, as the local planning authority, that the display of advertisements relating to the letting of premises as specified in Class 3A of Schedule 3, Part 1, to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 'Regulations') should not be undertaken without express consent in parts of Nottingham.

The Direction would cover the following areas in Nottingham, namely:

- Middleton Boulevard
- Triumph Road
- Lenton Triangle
- Forest Road West
- Mansfield Road
- The Drives
- Dunkirk and Lenton
- Derby Road
- University Boulevard

The proposal has been the subject of a site visit, having been publicly advertised and representations made to the Secretary of State in accordance with the provisions of the Regulations.

The areas to be included in the Direction are specified in the Schedule to this Direction.

This Direction shall have effect for a period of five years from the date on which it comes into force in accordance with the provisions of the Regulations.

Schedule

This Direction relates to the display of advertisements relating to the letting of premises as specified under Class 3A of Part 1 of Schedule 3 to the Regulations in the following areas in Nottingham, namely:

- Middleton Boulevard
- Triumph Road
- Lenton Triangle
- Forest Road West
- Mansfield Road
- The Drives
- Dunkirk and Lenton
- Derby Road
- University Boulevard

The reasons for the Secretary of State's decision are set out in his letter of 10 January 2018 to the Council, a copy of which is attached.

Dave Moseley

Dave Moseley
Senior Planning Casework Manager

Ministry of Housing, Communities and Local Government
Authorised by the Secretary of State to sign on that behalf



Ministry of Housing,
Communities &
Local Government

Joanna Briggs
Nottingham City Council
Loxley House
Station Street
Nottingham
NG2 3NG

Please ask for: Simon Heydecker-Dent
Tel: 0303 444 8162
Email: Simon.Heydecker-Dent@communities.gsi.gov.uk
Your ref: n/a
Our ref: PCU/AdRegs/Q3060/77961
Date: 10 January 2018

Dear Ms Briggs,

**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 Nottingham City Council (“the Council”) on 20 July 2017 for renewal of a Direction that deemed consent for the display of To-Let boards relating to the letting of premises, which are advertisements under Class 3A of Schedule 3 to the Regulations, should be withdrawn from certain areas in Nottingham.

2. Taking into account a site visit and representations made in response to the Council’s initial announcement to seek renewal of the Direction, the Inspector agrees with the Council that there are compelling reasons as to why the control over the display of letting agents’ advertising boards in the specified areas should continue.

3. In concluding, the Inspector agrees with the Council that the Direction should remain in place for a period of five years.

Formal Decision

4. The Secretary of State is satisfied that a Direction should be made to control the display of advertisements relating to the letting of premises within the areas of Nottingham identified below and on the maps submitted by the Council for a period of five years.

5. The Direction would cover the following areas in Nottingham, namely:

- Middleton Boulevard

- Triumph Road
- Lenton Triangle
- Forest Road West
- Mansfield Road
- The Drives
- Dunkirk and Lenton
- Derby Road
- University Boulevard

6. 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.

7. When this Direction is brought into effect, the display of boards in respect of the letting of premises may only be undertaken lawfully in the areas specified in paragraph 5 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 property lettings, 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

8. 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,

Dave Moseley

Dave Moseley
Senior Planning Casework Manager

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APPLICATIONS TO THE HIGH COURT

1. Under the provisions of section 288 of the Town and Country Planning Act 1990 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date of the accompanying letter.
2. The grounds upon which an application may be made to the Court are:
 - a) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or
 - b) that any of the relevant requirements have not been complied with, and that the applicant's interests have been substantially prejudiced by the failure to comply.
3. The "relevant requirements" are defined in section 288 of the Act as any requirements of that Act and the Tribunals and Inquiries Act 1992, or of any order, regulations or rules made under either Act which are applicable (s.288(9)). These include the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (SI 2007 No. 783), as amended, and the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (SI 2000 No. 1624), as amended.
4. A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

INSPECTION OF DOCUMENTS – APPLICABLE ONLY TO APPEALS WHICH
WERE THE SUBJECT OF A HEARING

5. Under the provisions of Rule 15(4) and (5) of the Town and Country Planning (Hearings Procedure) (England) Rules 2000 (SI 2000 No. 1626), any person entitled to be notified of the decision given in the letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision or the supply to him of the report, whichever is the later, for the opportunity of inspecting any documents, photographs and plans appended to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Ministry's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least three days' notice should be given, if possible.