



Department for Communities and Local Government

Neil Carter
Solicitor, Planning & Development
Durham County Council
County Hall
Durham
DH1 5UL

Please ask for: Simon Heydecker-Dent
Tel: 0303 444 8162
Email: Simon.Heydecker-Dent@communities.gov.uk
Your ref: N/A
Our ref: PCU/ADV/X1355/3206475

Date: 13 September 2019

Dear Ms Ackermann,

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 Durham County Council (“the Council”) on 1 May 2018 for 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to the letting of premises, which are advertisements under Class 3A of Schedule 3 to the Regulations, should be withdrawn from the Durham City Conservation Area.

2. The Council’s request for the making of the Direction was publicly advertised in the local press on 12 July 2018. The Secretary of State received one objection to the proposed Direction and two letters supporting the making of the Direction.

The Proposed Areas

3. The Direction would cover the Durham City Conservation area. This area is identified on a map provided by the Council, a copy of which is annexed hereto.

The Council’s reasons for making the Direction

4. The Council considers that the number of To Let boards have become excessive in parts of the city with high concentrations of rented accommodation. The Council has sought various ways of minimising the visual impact of To Let boards by introducing a Voluntary Lettings Board Code. The Council reports that the Voluntary Code has not successfully addressed the issue, and that enforcement action following breaches of

Planning Casework Unit
Department for Communities and Local Government
5 St Philips Place
Birmingham
B3 2PW

Tel: 0303 444 8050
E-mail: pcu@communities.gsi.gov.uk

the Code is costly and time-consuming. The Council has also received a significant number of complaints regarding To Let boards in the area.

5. The Council consider that a Direction withdrawing deemed consent for the display of To Let boards would be an efficient and effective method of control, and would result in significant benefits in terms of visual amenity, the setting of the numerous Listed Buildings in the area, and the setting of the Durham World Heritage Site, also within the proposed area.

Description of Proposed Area

6. Much of the Durham City Conservation Area is characterised by terraces of a generally uniform architectural style within each terrace. These are juxtaposed with unique, individual, historic buildings and structures. A significant number of the buildings are listed at grade I and II*. The area also features open spaces of both hard surfaced formal form and of greenspace, both of which contribute to the character and appearance of the Conservation Area.

Appraisal

10. Taking into account a site visit, representations made in response to the Council's initial announcement to seek a Direction and a formal Hearing, the Inspector agrees with the Council that there is a significant problem with To-Let boards and their proliferation has had a harmful effect on the visual amenity of the areas concerned. 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 132 of the National Planning Policy Framework.

11. At paragraph 31 of her report, the Inspector notes that the proliferation of To Let boards in many of the terraced areas results in an overwhelming view of signage, which mars the visual coherence of detailing of the buildings. The Inspector notes that this visual impact is exacerbated by the topography of the area. The Inspector further notes at paragraph 32 of her report, that the To Let boards diminish the visual amenity of the otherwise visually high-quality area.

12. The Inspector acknowledges, in paragraph 33 of her report, that the impact of To Let boards in the area is predominantly of a seasonal nature. However she notes the marked contrast when there are fewer To Let boards in situ, emphasising the visual impact of the boards.

13. The Inspector states in paragraph 35 of her report, that the objections raised to the proposed Direction are not compelling in terms of principle. The Inspector states that although a Direction constitutes additional control regarding advertisements, it is considered to be in the public interest.

14. In concluding, the Inspector considers that there is a significant, albeit seasonal, detrimental effect upon the visual amenity of the Durham City Conservation Area arising from the display of To Let boards. The Inspector states that there is a consequent harm to the setting of numerous Listed Buildings and the World Heritage

Site within the Conservation Area. The Inspector recommends that the proposed Direction be made with respect to the whole of the Durham City Conservation Area.

Formal Decision

15. For the reasons set out above, 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 Durham City Conservation Area for a period of 5 years.

16. 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.

17. 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 Durham City Conservation Area, 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

18. 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 Manager