

CABINET

Renewal to Regulation 7 Direction under Town and Country Planning (Control of Advertisements) (England) Regulation 2007

16 September 2025

Report of Chief Officer – Planning and Climate Change

PURPOSE OF REPORT

On the 1st September 2021 the City Council established a Direction under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to remove deemed consent for 'To Let' boards on residential properties within Schedule 3, Part 1, Class 3 A (an advertisement relating to the sale or letting, for residential, agricultural, industrial or commercial use or for development for such use, of the land or premises on which it is displayed).

The Direction has been effective in successfully managing 'To Let' boards but it must be renewed every 5 years. Therefore, this report seeks authorisation for the Chief Officer (Planning & Climate Change) to proceed with the statutory process and submit a proposal to the Secretary of State requesting that a Direction under Regulation 7 is renewed.

Key Decision

Non-Key Decision

X

Referral from Cabinet Member

Date of notice of forthcoming key decision

N/A

This report is public

RECOMMENDATIONS OF COUNCILLOR SUE TYLDESLEY

- (1) That Cabinet authorise the renewal of the Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, to prohibit the display of To Let boards on residential properties in the wards of Bulk, Castle, John O'Gaunt, Marsh, Scotforth East and Scotforth West, without express consent and to comply with all necessary requirements.
- (2) That delegated authority is provided to the Chief Officer for Planning & Climate Change to submit the proposed renewal to the Secretary of State.

1.0 Introduction

- 1.1 On 1st September 2021 the City Council established a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) (England) Regulation 2007 to address issues relating to the prevalence of 'To Let' signs in particular parts of Lancaster. At the time there were wards and streets in Lancaster where the concentration of Houses in Multiple Occupation that were being advertised to let

resulted in a detrimental visual impact caused by the display of a significant number of To Let boards.

- 1.2 The Council established a Direction under Regulation 7 (hereafter referred to as the 'Direction') which prohibited the display of To Let boards on residential properties (this applied to all residential letterings, HMOs and lettings as a single dwellinghouse) under Class 3A of Schedule 3, Part 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The restrictions did not apply to commercial To Let boards or For Sale signs.
- 1.3 The Direction required advertisers to submit an application for express consent. Applications for such proposals were dealt with in the same way as any other application for advertisement consent, however there was no fee for an application where deemed consent had been removed. As with standard minor applications, the Council has 8 weeks in which to make a decision on such proposals. In an increasingly on-line world, the value of having physical To Let signs has reduced; potential students and renters are much more likely to search on-line, where nearly all rental opportunities will be displayed.
- 1.4 Applications would be determined in the context of the Local Plan, including policies which seeks to protect or enhance the districts heritage and Policy DM21 which seeks to ensure that signage is well designed and appropriately sited and does not contribute to an unsightly proliferation or clutter of signage.
- 1.5 Since its introduction in September 2021 for the role and function of the Direction has been largely successful and the level of signage connected with these types of use have seen significant reductions. No planning applications have been sought for such purposes and, critically, no enforcement action has been required for the removal of signage. However, the Direction only lasts for 5 years after which time it must be renewed via the Secretary of State. The expiry of the Direction is September 2026.
- 1.6 The power to make such a Direction rests with the Secretary of State, not the Council. It is therefore necessary for the Council to submit a request to the Secretary of State for the Direction to be made. Decisions from the Secretary of State can take 3 to 6 months to secure and therefore it is prudent to begin the process of renewal now to ensure that there is no gap in the direction provided.

2.0 Proposal Details

- 2.1 Paragraph 1.2 (above) describes the proposal. The proposal represents a renewal of the previously approved Direction, and therefore it remains unchanged.
- 2.2 The Direction covers the following wards: Bulk, Castle, John O'Gaunt, Marsh, Scotforth East and Scotforth West. The restrictions do not apply to commercial To Let boards or For Sale signs. The Direction requires advertisers to submit an application for express consent for To Let boards.
- 2.3 The Regulation 7 Direction, map and background papers can be found on the website here: [Designations and constraints - Lancaster City Council](#). Documentation relevant to the Direction is also provided as background papers to this report.
- 2.4 The Direction has been effective at reducing the proliferation and clutter of To Let boards. Since the Direction was brought into force no applications for To Let signs on residential properties have been received and there have been very few unauthorised

To Let boards displayed. The signs have not proliferated elsewhere in the district. The area covered by the Direction is considered to remain appropriate.

- 2.5 The Direction was approved by the Secretary of State for a 5-year period after it was brought into force. As the Direction expires on 31st August 2026, it is time to review it and submit a request for the Direction to be renewed.
- 2.6 The first step will be to carry out an informal consultation to gauge the level of interest and support for continuing the control. Following this, an application will need to be made to the Secretary of State. On receipt of the submission, the Secretary of State will require the council to carry out publicity by placing notices in the local newspaper and the London Gazette which give stakeholders 21 days to submit comments directly to the Secretary of State.
- 2.7 The Secretary of State will then consider the proposals along with any representations received. There is no timescale for a decision, which can take between 3 to 6 months. If objections are received, the Secretary of State may convene a Public Inquiry to consider the matter and further publicity is undertaken.
- 2.8 The previous application was submitted on 13th October 2020, and a decision was received on 29th April 2021. A Public Inquiry was not necessary. It took a further 4 months to obtain Cabinet approval. For this reason, it is recommended that the process is commenced with ample time for the process to be completed before the current Direction expires.
- 2.9 Therefore, the purpose of this Report is to seek approval from Cabinet to begin the process of informal consultation and to apply to the Secretary of State for a renewal of the application, following the process which are described in paragraphs 2.6 to 2.8 of this report. Once a decision has been received from the Secretary of State a decision to approve the updated Direction will be presented to Cabinet.

3.0 Options and Options Analysis (including risk assessment)

	Option 1: Submit a request to the Secretary of State to renew the designation of a Direction under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the wards of Bulk, Castle, John O'Gaunt, Marsh, Scotforth East and Scotforth West.	Option 2: Submit a request to the Secretary of State to renew the designation of a Direction under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the wards described in Option 1 and additional wards in the District.	Option 3: Do not progress a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
Advantages	The renewal of the Direction under Article 7 will ensure that the current regime of managing 'to let' advertisements remain in place in the wards described and no new	The addition of further wards would provide the opportunity to expand the geographic scope of the Article 7 Direction to include other areas of the district where it	None known.

	<p>proliferation of signage occurs over the next 5 years. It will continue to manage this matter in the wards which have been historically most affected by these signage issues.</p> <p>Starting the process now provides sufficient time for the renewal to take place, informal consultation to be undertaken and a decision from the Secretary of State to be received.</p>	<p>believed that these issues with signage are occurring.</p>	
Disadvantages	None known.	<p>Expanding the geographic scope of the Article 7 direction would not constitute a renewal of the process. It would require sufficient robust evidence that a demonstrable problem exists in additional areas of the district to justify such action.</p> <p>This would require significant additional evidence to be gathered to justify expanding the scope of the Direction.</p> <p>It is not clear there is sufficient evidence to justify an expansion in the scope of the Direction.</p>	<p>Allowing the Direction to lapse in September 2026 could allow for a re-establishment of 'to let' signs in the Wards identified and a return to the issues which were identified prior to the Direction coming into force.</p>
Risks	None known.	<p>Should this option be pursued further work would be required to secure the necessary evidence to justify an expansion of the scope of the Direction.</p> <p>Regardless of whether sufficient evidence could be secured to justify the need for an expansion, this would take time to collect and analyse which would risk a delay in securing a decision from the Secretary of State and the current Direction lapsing.</p>	<p>In the absence of any management of 'to let' signs under the Article 7 Direction the issues around visual amenity and impacts on the street scene in the wards identified may increase.</p>

4.0 Officer Preferred Option (and comments)

- 4.1 The preferred option is Option 1. The renewal of the current Article 7 Direction provides the most effective approach to continuing management of this issue in the most affected wards. The City Council have the evidence to demonstrate the historical problems around 'to let' signage in these areas and the success which the Direction has had on improving this matter. This means that a renewal of the Direction can be progressed as quickly as possible.

5.0 Conclusion

- 5.1 It is recommended that authorisation is given for the Chief Officer (Planning & Climate Change) to proceed with the statutory process and submit a proposal to the Secretary of State requesting that a Direction under Regulation 7 is to be renewed.

RELATIONSHIP TO POLICY FRAMEWORK

The Corporate Plan includes ambitions to make our neighbourhoods clean, well maintained and safe.

The Lancaster District Local Plan includes policies which seek to improve the amenity of residents in Lancaster and to protect the character and appearance.

Policies in the Strategic Policies and Land Allocations Development Plan Document aim to ensure that development, including uses of buildings, maintain the district's heritage (SP7).

Policy DM21 seeks to ensure that signage is well designed and appropriately sited and does not contribute to an unsightly proliferation or clutter of signage. Policies DM37 to 41 seek to ensure that the district heritage is protected or enhanced.

The proposal seeks to address the detrimental impacts of concentration of letting boards associated to HMOs in accordance with the ambitions of the Council Plan and the Local Plan.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Human Resources, Sustainability and Rural Proofing)

Wellbeing and social value

The proposals will manage the proliferation To Let Boards to protect visual amenity and the historic character of Lancaster.

LEGAL IMPLICATIONS

The designation of a Regulation 7 Direction is required to be implemented through statutory processes within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Failure to do so could result in legal challenges.

FINANCIAL IMPLICATIONS

The designation of a Regulation 7 Direction is required to be implemented through statutory processes within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Failure to do so could result in compensation claims.

The process will involve modest cost implications for the Council in terms of staffing costs as well as advertisement costs arising from the publicity requirements. Substantial further costs may arise if objections are received and the Secretary of State decides to hold a public inquiry. Based on examples, costs are estimated at £10,000. This is however subject to not having to resource external expertise to cover Public Inquiry costs. Any cost arising from a public hearing would be covered by existing budgets.

If a Regulation 7 Direction is made, an awareness raising campaign informing agents and stakeholders of the new requirements will be undertaken. This will have some staffing implications. It is considered that this can be met from existing staff resource.

Although there haven't been any significant problems with the Regulation 7 Direction so far, they could still occur in the future. If this becomes an issue, the effect on staffing will be assessed and reported through the corporate monitoring process in the first instance. However, this is not anticipated to be the case.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments to add

BACKGROUND PAPERS

1. Background Paper on the Designation of Regulation 7 Direction in Lancaster (September 2020).
2. Consultation Statement (September 2020).
3. Decision Notice from SoS for Regulation 7 Direction (April 2021).

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