



DEVELOPMENT CONTROL COMMITTEE

18th June 2009

Report of Head of Planning and Building Control

Advertisement on highway verge outside Three Crowns Public House, Sutton Road, Walsall

1.0 PURPOSE OF REPORT

To advise members of a breach of planning control comprising the display of a large, mobile advertisement, and to recommend prosecution proceedings.

2.0 RECOMMENDATIONS

- 2.1 To authorise the Assistant Director - Legal and Constitutional Services, to instigate legal proceedings to prosecute the owner(s) and/or occupier(s) and other relevant persons, under Section 224 of the Town and Country Planning Act 1990, in respect of displaying advertisements without the consent required under the Town and Country Planning (Control of Advertisements) Regulations 2007, for the reasons set out in the report, in particular in the terms set out in paragraph 12.5 of the report. .
- 2.2 To authorise that the decision as to the institution of legal proceedings, in the event of the non-return of Requisitions for Information, or a Planning Contravention Notice, be delegated to the Assistant Director - Legal and Constitutional Services, in consultation with the Head of Planning and Building Control.
- 2.3 To authorise that the decision as to the institution of legal proceedings, in the event of an advertisement of this description and advertising the same business being displayed unlawfully at any other location in the Borough, be delegated to the Assistant Director - Legal and Constitutional Services, in consultation with the Head of Planning and Building Control.

3.0 FINANCIAL IMPLICATIONS

None arising from the report.

4.0 POLICY IMPLICATIONS

The report recommends instigation of prosecution proceedings in order to seek compliance with planning policies.

5.0 LEGAL IMPLICATIONS

None arising from the report.

6.0 **EQUAL OPPORTUNITY IMPLICATIONS**

None arising directly from this report.

7.0 **ENVIRONMENTAL IMPACT**

The report seeks enforcement action to remedy adverse environmental impacts.

8.0 **WARD(S) AFFECTED**

Pheasey Park Farm

9.0 **CONSULTEES**

Licensing Enforcement officers, regarding Highways aspects

10.0 **CONTACT OFFICER**

Philip Wears

Planning Enforcement Team: 01922 652411

11.0 **BACKGROUND PAPERS**

Enforcement file not published.

David Elsworthy

Head of Planning and Building Control

Development Control Committee
18th June 2009

12 BACKGROUND AND REPORT DETAIL

- 12.1 The advertisement is large, comparable to a poster-hoarding in size and double-sided. It is triangular in cross-section and is mounted on a mobile trailer. The pub is not open at present, and the advertisement is located on one of the vehicular accesses for the pub, where it crosses the highway verge. It advertises a vehicle accident repair centre which is located some miles away.
- 12.2 As the advertisement does not relate to the land on which it is displayed it requires consent from the local planning authority, but this has not been sought. The exemption available for advertisements on normal moving vehicles does not apply, in particular because the trailer is adapted for advertisement display. Were consent to be sought officers would recommend refusal because it is large and is very visually obtrusive, with a long range of visibility in this open, roadside setting, in the Green Belt. The advertisement intrudes starkly into the more rural appearance of this stretch of Sutton Road, is very harmful to the character of this part of the Green Belt. Officers are writing to the repair business to request that the advertisement is removed by the time of the Committee's meeting .
- 12.3 Unlike many other breaches of planning control, displaying an advertisement without the necessary consent is a criminal offence under the Planning Act. No enforcement notice needs to be served, and enforcement is achieved by prosecution, as recommended. The Planning Act powers apply even though the advertisement is on the highway. However the Councils highways enforcing officers, 'Licensing Enforcement' have been consulted and at the time of writing are investigating .
- 12.4 This is a second offence for this business (a report to Committee on 16th September 2008 dealt with a very similar advertisement displayed by the same company, at the junction of Chester Road and Little Aston Road). The ease of mobility of the advertisement makes it likely the business will successively relocate the advertisement and try to evade advertisement control . Chasing the advertisement from location to location would be demanding of officer time and not provide any deterrent to continuing unlawful and harmful displays. The business may for example relocate the advertisement just a few metres onto the pub car park, or to a location some miles away.
- 12.5 In response to these problems officers recommend that :-
- (i) whilst advertisement prosecutions are often discontinued if the advertisement is removed before the case comes to Court , in this case the Committee resolves that it be continued to Court if the advertisement is not removed within one week of the Committee's meeting.
 - (ii) The Committee gives authority to commence prosecution action if an advertisement of this description and advertising the same business is displayed unlawfully at any other location in the Borough. Furthermore that the prosecution case should continue to Court even if the advertisement is removed before the date for the Court hearing.
- Officers would keep this authority under review, and it would only be invoked in appropriate circumstances.

Land outside Three Crowns Public House , Sutton Road , Walsall

