



Walsall Metropolitan Borough Council

DEVELOPMENT CONTROL COMMITTEE

25 JANUARY 2005

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

65 Stafford Road, Bloxwich, Walsall – 2004/0290/CMP .

1.0 PURPOSE OF REPORT

- 1.1 To inform Members of an unauthorised advertising sign at a semi-detached house at 65 Stafford Road, Bloxwich, and request authority to take enforcement action.

2.0 RECOMMENDATIONS

- 2.1 To authorise the Head of Legal Services to serve a Requisition for Information under Section 330 of the Town and Country Planning Act, and also instigate legal proceedings under Section 224 of the Town and Country Planning Act 1990 to prosecute the owner(s) and/or occupier(s) and other beneficiary of the advertisement sign, in respect of displaying an advertisement without the consent required under the Town and Country Planning (Control of Advertisements) Regulations 1992.

3.0 FINANCIAL IMPLICATIONS

None arising from the report.

4.0 POLICY IMPLICATIONS

Dealt with in the report.

5.0 LEGAL IMPLICATIONS

The unauthorised display of an advertisement is an offence under the Town and Country Planning Act 1990. The Council can therefore prosecute in the Magistrates' Court, and this rather than serving an enforcement notice, is the normal form of enforcement action.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7.0 ENVIRONMENTAL IMPACT

Dealt with in the report.

8.0 **WARD(S) AFFECTED**

Bloxwich West

9.0 **CONSULTEES**

None.

10.0 **CONTACT OFFICER**

Helen Smith or Phil Wears – Planning Enforcement Officer 652411.

11.0 **BACKGROUND PAPERS**

Enforcement file 2004/0290/CMP - not published.

HEAD OF PLANNING AND TRANSPORTATION

DEVELOPMENT CONTROL DISTRICT COMMITTEE
25th JANUARY 2005

12.0 BACKGROUND AND REPORT DETAIL

- 12.1 Complaints were received regarding the advertisement sign at 65 Stafford Road, Bloxwich, which measures 2.01 metres by 0.82 metres and is displayed above a side boundary fence which is adjacent to the entrance to King George V Memorial Playing Fields. A plan showing the location of the site is attached to this report.
- 12.2 The owners of the property were informed by letter that the sign would require advertisement consent, and that the unauthorised sign should be removed or prosecution could result. A written response was received stating that the advertisement sign above the fence was temporary and was there whilst they had their extension and conservatory built. The board advertises a firm who supply and build conservatories. This was tantamount to a claim by the householders that the sign is lawful under Class 3C of the 'deemed consent' section of the Control of Advertisements Regulations, because it is a temporary sign relating to 'the carrying out of building or similar work on the land on which it is displayed.' Subject to limitations, this class has the effect of allowing a building firm to display its sign at a house while it is carrying on building works there. The sign in question here is within the maximum size allowance of 2 square metres allowed under Class 3C at houses.
- 12.3 However, several circumstances have prompted further consideration of this. It is understood that the firm which is advertised by the sign is not one temporarily brought in to build the conservatory in the normal way, but is a firm owned by the occupiers of the house. The sign has also been in place since at least May 2004, whereas the firm's web site indicates that conservatory bases and walls/roofs can both be built in days. Furthermore, in your officers' view the sign is larger and more robustly fixed than most temporary signs displayed at a house to advertise a firm while it is carrying out building work there. These circumstances have raised the issue as to whether the sign is functioning properly as a temporary sign of this type, or whether it is in fact unlawful under the 'deemed consent' regulations. This has prompted a review of how the regulations apply in this case.
- 12.4 Monitoring of the site has indicated that the work to build the conservatory has become intermittent or has ceased completely, with only the base and masonry lower walls being constructed so far. The sign has remained in place and displayed continuously, and in these circumstances officers consider that this conflicts with the limitation under this class of 'deemed consent' that 'no such advertisement shall be displayed except while the relevant works are being carried out.' On this basis the sign has not been lawful under 'deemed consent' Class 3C for the majority of the time it has been displayed. It appears to officers that the sign has been functioning as a long-term general advertisement for the firm owned by the occupiers. This does not benefit from 'deemed consent' under

the regulations, and it follows that the sign has been unlawful for most of the time.

- 12.5 The relevant regulations were explained to the householders in a letter dated 13th December 2004 and they were advised to comply with the 'deemed consent' limitations by removing the sign except at those times when the firm advertised is actually carrying out works to build the conservatory, which for this relatively small structure will involve possibly several more days only. A further site visit was made on 20th December 2004 to inspect in connection with possible change of use to business use but no conclusive evidence of such use was apparent. The sign was being displayed and verbal assurances were made that the householders would remove it but this has not occurred to date.
- 12.6 The sign is positioned above a side boundary fence near the back of the pavement with the support posts behind the owners' fence. Here it overlooks the entrance to King George V Memorial Playing Fields and is visible to traffic travelling southwards on Stafford Road. Officers consider that by reason of its size and position this sign forms an unacceptably prominent feature in this residential street scene and has a detrimental visual impact on the appearance of this residential area. It also erodes the visual quality of the adjacent park entrance area. Officers consider that it conflicts with policies GP2- Environmental Protection, and ENV 34- Design and Development Proposals, in the Unitary Development Plan Review, which is now close to adoption. It also appears likely that without enforcement action it will remain in place for a long period.

HEAD OF PLANNING AND TRANSPORTATION

