

**E/13/0076/A – Unauthorised advertisements at various sites within East Hertfordshire**

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**Parish: BUNTINGFORD CP**

**Wards: BISHOP'S STORTFORD CENTRAL BRAUGHING,  
BUNTINGFORD, HERTFORD CASTLE, MUCH HADHAM.**

**RECOMMENDATION:**

- A. The Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, be authorised to take action under Section 225A of the Town and Country Planning Act 1990, and to take any such other steps as may be required to secure the removal of any unauthorised advertisements at the sites shown on the attached plans and recover any associated costs, and;
- B. The Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, be authorised to commence legal proceedings under Section 224 of the Town and Country Planning Act 1990 and to take any such other steps as may be required to secure the removal of the unauthorised illuminated advertisements at the site.

Reason why it is expedient to take action:

1. The advertisements, by reason of their siting, size and/or appearance, are considered to be displayed in contravention of the Town and Country Planning (Control of Advertisements) Regulations 2007 and are detrimental to the visual amenity of the locations.

Time for compliance (removal notices): 22 days.

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**1.0 Background**

- 1.1 The sites are shown on the Ordnance Survey extracts. All of the sites include at least one sign which is on, or is itself, a structure.
- 1.2 All of the sites have either been brought to Officers' attention, or proactively observed by Officers.
- 1.3 Officers have visited the sites and photographed the unauthorised advertisements. Efforts have been made to contact the relevant parties to secure removal of the signs without formal action. All of the signs remained in situ at the time this report was written.

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- 1.4 Applications for advertisement consent have not been invited for the signs as it is the Officer's informal opinion that any such applications are likely to be refused.

### **2.0 Planning History**

- 2.1 There is no relevant planning history for Members to be aware of.

### **3.0 Policy**

- 3.1 The relevant policy of the East Herts Local Plan Second Review April 2007 is:

BH15 – Advertisements in Conservation Areas.

- 3.2 Paragraph 67 and 68 of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also relevant material considerations in the determination of this matter.

### **4.0 Considerations**

- 4.1 Section 127 of The Localism Act 2011 inserted a number of new sections into the Town and Country Planning Act 1990 (as amended) which extended the powers of Local Planning Authorities with regard to removing unauthorised advertisements and recovering costs. Section 225A specifically relates to the "Power to remove structures used for unauthorised display".
- 4.2 The powers available under Section 225A enable the Local Planning Authority to issue a "removal notice" in respect of any unauthorised advertisement structure, which is defined as (a) a hoarding or similar structure used, or designed or adapted for use, for the display of advertisements; (b) anything (other than a hoarding or similar structure) principally used, or designed or adapted principally for use, for the display of advertisements; (c) a structure that is itself an advertisement; or (d) fitments used to support anything within any of paragraphs (a) to (c).
- 4.3 A removal notice must allow the relevant party at least 22 days beginning with the date of the notice in which to remove the advertisement. Failure to comply with the removal notice would enable the Local Planning Authority to remove, and dispose of, the unauthorised display structure, and recover, from any person on whom the removal notice has been served under subsection (3) or (5)(b), expenses reasonably incurred by the Local Planning Authority in

exercising the above power.

- 4.4 The powers under Section 225A above are considered to be a potentially useful tool for ensuring that any unauthorised advertisements, which do not fall under the category of flyposting, can be removed effectively and with significantly quicker outcomes than prosecution, which may not result in removal of the adverts. However, in cases where repeat offenders fail to comply with removal notices, the use of prosecution would still be available.
- 4.5 As the Council is yet to utilise these new powers, four sites have been identified to be included in the first use of removal notices, based on a number of criteria. These include public interest in their removal, the degree of harm to amenity caused, the length of time the advertisements have been in place, the number of advertisements in any one location and whether there has been a repeat offence. A range of different sites has been selected to assess the effectiveness of these powers for dealing with different cases.
- 4.6 Firstly, the site adjacent to the A414 in Hertford (Site Plan A) has caused a problem for a number of years, and contains the largest cluster of unauthorised display structures. Consent has been sought for the retention of some signs in the vicinity, and this was dismissed at appeal by the Planning Inspectorate. The location is extremely visible, and the signs cause a significant degree of harm and visual clutter. Officers consider that removal of the signs would be a significant benefit to the appearance of the site, and there has been continued public interest in removal of them.
- 4.7 Secondly, the site at Obrey Way in Bishop's Stortford (Site Plan B) contains a number of signs relating to businesses operating at Thorley Hall Farm. Officers have previously secured the removal of the majority of signs through negotiation. However, periodically the problem has re-occurred. The signs are in a prominent position, and are securely fixed into the ground. Officers consider that allowing signs to remain in this location is likely to lead to a 'snowball' effect, and removal notices would be an effective solution to deal with this issue quickly.
- 4.8 The third and fourth sites are located at Station Road/Ford Street in Braughing (Site Plan C) and at Land adjacent Buntingford Bypass/London Road Roundabout, Buntingford (Site Plan D). Both sites consist of a single sign, in a location chosen to be seen by a high volume of highway users in relation to their localities, and are sites where Officers have previously invested significant resources to negotiate the removal of signs. Officers consider that using the new

powers in these 'problem' locations will secure the removal of the signs in a much quicker timescale, reducing the benefits for the advertisers, and hopefully preventing further re-offending.

**5.0 Recommendation**

- 5.1 For the above reasons it is recommended that authorisation be given to take action under Section 225A of The Town and Country Planning Act 1990 (as amended) to secure the removal of the unauthorised advertisements at the sites and recover the associated costs and, in the event of repeat offenders/failure to comply with removal notices, to commence legal proceedings under Section 224 of the Town and Country Planning Act 1990 and to take any such other steps as may be required.