



Department for Communities and Local Government

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Our Ref: APP/ADCPO/B1415/005
Your Ref: SITE-EOC-44172E

23 September 2014

Dear Mr Cookson,

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 Hastings Borough Council ("the Council") on 4 April 2014 for a Direction that deemed consent for the display of estate agents' letting and sale boards relating to the sale or letting of premises which are advertisements within Schedule 3, Part 1, Class 3A of the Regulations should not apply to certain roads within the Borough of Hastings.
2. The Council consulted directly with community groups and all local estate agencies, and more widely via a notice on the Council's website. Notices of the application to renew the Direction were also publicly advertised in the London Gazette and the local press on 17 and 18 April 2014 respectively. There were no objections to the proposed Direction and two letters of support were received.

The Proposed Areas

3. The Direction would apply in the areas comprised of the properties on the following roads in the Borough:

Properties in St Leonards

26-30 Caves Road;
Eversfield Place (all properties);
Grand Parade (all properties);
1-24 Grosvenor Crescent;
Grosvenor Gardens (all properties);
1, 3, 5 London Road;
Marina (all properties);

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1-11 Terrace Road;
9-14 Undercliff;
Verulam Place (all properties);
Warrior Square (all properties).

Properties in Hastings

1-3 Claremont;
Pelham Arcade (all properties);
Pelham Crescent (all properties);
7-9 Pelham Place;
White Rock (all properties).

4. The roads are identified on maps provided by the Council.

The Council's reasons for making the Direction

5. The Council wish to renew an existing Direction, made in 2009, that expires in November, for similar reasons because work carried out to the areas to preserve the special architectural character of the seafront and improvements to previously run-down areas would be undermined if controls were removed. Before the 2009 Direction came into force, there were large numbers of boards displayed, which affected the visual quality of the seafront and the proliferation of boards made enforcement difficult for the Council.
6. The restrictions sought under a new Direction are the same as before, except that the Council have requested that it remains in place for an indefinite period.

Description of Proposed Areas

7. The proposed Direction would cover the same area, with the number and location of properties unchanged.
8. Much of the area is seafront giving an urban edge to the beach. The appearance of the area is well-ordered with terraced buildings of similar height and appearance.
9. The roads are comprised of terraced properties which have a residential character to the west of the area with ground floor uses becoming predominately commercial closer to the St Leonards and Hastings town centre. The properties are imposing, with some, such as Marine Court, standing as landmarks in their own right and along with the terraces are visible for a significant distance.
10. There appears to have been little building work since the 2009 Direction was made, and the character and appearance of the area is generally in accordance with that described in the original Inspector's report, except that there is now a complete absence of estate agents' boards. The relatively clean and uncluttered nature of the seafront within the area of the Direction is partially a result of the absence of estate agents' boards.

11. All of the properties have direct views to the seafront, or face Warrior Square, with oblique seafront views. Many of the buildings are listed with Grade-II or Grade-II* status. Although the Direction would cover a large area, all of the properties covered share a common feature, being a frontage to the seafront or Warrior Square, where views of the buildings are extensive and unimpaired, due to the open nature of the promenade and square.

Appraisal

12. The Inspector noted that whilst there are several streets around the Direction area that are also visually attractive and potentially historically significant, they do not benefit from the views available along the seafront and around Warrior Square, nor do they share the open character of these streets. Also, while there were some estate agents' boards in the surrounding streets, the Inspector felt that their numbers were not of a level which could be termed as unreasonable, given that they did not contribute to a cluttered appearance. As such, the Inspector considered that the area proposed by the Council is reasonable, and that any extension into surrounding streets proposed in one of the supporting letters is unnecessary at the present time.
13. The Inspector is of the view that the 2009 Direction is working effectively and shares the view of the Council and the previous Inspector that numerous estate agents' boards would be extremely damaging to the visual quality of the affected streets. The Inspector considers that harm would be caused to the character and appearance of the conservation areas and the special quality of the Listed Buildings, should the seafront and areas around Warrior Square be subject to the proliferation of such signs.
14. Taking these considerations into account, the Inspector thinks that normal controls would be inadequate and on the basis of the evidence gathered on a site visit, that the area has a special visual quality which would only be preserved by removing deemed consent rights for the display of estate agents' boards. He also thought that the improvement of the property market and an increase in the number of residential conversions to flats in the area would mark a return to a proliferation of boards if the Direction is not renewed, which would have a harmful effect on the visual improvements that have been achieved.
15. Accordingly, the Inspector supports the Council's request for a new Direction on the basis that the existing Direction has been successful and that there is support for its renewal. Taking into account the factors above, the Inspector reached the conclusion that it would be appropriate to permanently remove the deemed consent provisions, as requested by the Council, rather than issue a Direction for another five years.

Formal Decision

16. The Secretary of State notes the Inspector's consideration of the issues and accepts the Inspector's recommendations. The Secretary of State is satisfied that that the area has special visual quality which would only be preserved by

removing deemed consent rights for the display of estate agents' boards. Therefore, a Direction should be made to control the display of advertisements relating to the sale or letting of premises within the areas comprised of the properties on the following roads identified below and on the maps submitted by the Council for an indefinite period.

Properties in St Leonards

26-30 Caves Road;
Eversfield Place (all properties);
Grand Parade (all properties);
1-24 Grosvenor Crescent;
Grosvenor Gardens (all properties);
1, 3, 5 London Road;
Marina (all properties);
1-11 Terrace Road;
9-14 Undercliff;
Verulam Place (all properties);
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Properties in Hastings

1-3 Claremont;
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17. 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.
18. When this Direction is brought into effect, the display of estate agents' boards in respect of the sale and letting of premises may only be undertaken lawfully in the areas specified in paragraph 16 above, when the Council have granted express consent for the 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

19. 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,



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