

Contacts

All Fenland District Council services can be contacted via telephone on:

01354 654321

Alternatively our Planning team can be contacted the following ways:

Email: planning@fenland.gov.uk

Fax: 01354 606908

Forms and advice can be downloaded via our website:

www.fenland.gov.uk
(Planning and Building)

Business rates:
businessrates@fenland.gov.uk

Government advice on planning and building:
www.planningportal.gov.uk

Communities and Local Government website:
www.communities.gov.uk

Cambridgeshire County Council Highways:
street.scene@cambridgeshire.gov.uk

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Advertisements and signs – Do I need permission?

A Guide for Householders and Businesses



issue fixed penalties if they are able to apprehend anyone in the process of displaying posters.

Fly posting is not normally considered an acceptable form of advertising. Illegal advertisers can be prosecuted and this can be dealt with in the Courts when it is considered expedient to do so.

Frequently asked questions

Do I need consent to display my 'Child Minding' business advertisement on my house?

If you put a sign up on your property advertising a business, the property will firstly need to have planning permission to run a business from there. If the property does have permission for 'mixed use' (part residential, part business) then a small sign may be affixed to the property. Please contact the Planning Team for advice on the advertisement's location, design and size. You will also need to contact our business rates team if you are running business from home.

I want to illuminate the sign on my shop front, do I need consent?

You will probably need consent if you wish to illuminate your sign. There are strict guidelines on illuminated signs and most require express consent.

Can I advertise my business on a Highways verge or in a field using a trailer or signboard?

Not without express consent. You need permission for signs advertising goods not sold at the premises where the sign is being displayed.

Do I need permission to put a 'Mind the Dog' sign on my gate?

Signs such as these on residential property generally do not need consent provided they are less than 0.3m² in area.

I run a business from a listed building. Can I place an advertisement on the front of the property?

You will need Listed Building consent to display any advertisement or make any changes to a listed building.

I have express advertisement consent for my existing sign but would like to replace it with a bigger, more colourful sign. Do I need to apply again?

Yes. The consent originally granted was only for the existing sign. Any new signs will probably need further consent by way of an application.

My Parish Council is helping to organise a fete. Can they put signs up to advertise the event?

Temporary advertisements for local events or an activity being held for charitable purposes (not for commercial purposes) can be advertised with deemed consent. The advertisements must not be displayed more than 28 days before the event begins and must be removed within 14 days after it ends. Consideration must be given to the location, design and size of the signs so that they do not cause undue distraction or cover any other sign giving direction or notification.

I regularly go past a car that is parked up with an advertisement stuck to it. Is this legal?

In order for a vehicle to display advertisements, they must be roadworthy i.e. taxed, insured and M.O.T'd and be able to move under their own power. If the vehicle is permanently stationary, then this would be an illegal advert. The local Highways authority may also ask for the vehicle to be moved if it is deemed to be causing a nuisance or a distraction to other road users.

Advertisements – Do I need consent?

It is possible to display some signs or advertisements on your property or business without the need to apply for consent, however there are many factors to consider such as size, the information shown on it, the position of the sign and what property it's attached to. This guide aims to explain when you do and do not need to gain permission to display your advertisement or sign.

Legislation for the display of advertisements under the Town and Country Planning (Control of Advertisement) Regulations 2007, is controlled by Fenland District Council as the Local Planning Authority or where relevant by Cambridgeshire County Council's Highways Authority.

What is an advertisement?

In law, an Advertisement or sign is any feature, device or representation, illuminated or otherwise which is used for the purpose of advertisement, announcement or direction. The definition includes any hoarding or similar structure used for the display of the advertisement and includes;

- Posters and notices
- Placards and boards
- Fascia signs and projecting signs
- Estate agents' boards
- Captive balloon advertising
- Flag advertisements
- Pole and canopy signs

- Price markers and price displays
- Stationary trailers

All outdoor advertisements must comply with five 'standard conditions'. They must:

- Be kept clean and tidy
- Be kept in a safe condition
- Have the permission of the owner of the site on which they are displayed (this includes Cambridgeshire County Council's Highways Authority if the sign is to be placed on highway land).
- Not obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport
- Be removed carefully where so required by the planning authority.

What advertisements do not need consent?

Most types of outdoor advertisements are covered by the rules set down by the Government. The main types excluded from control include:

- those displayed on enclosed land or inside buildings and not visible outside,
- those displayed on moving vehicles
- advertisements which form an integral part of a building's fabric.
- Notices, such as those giving information about local, parliamentary and European elections, road traffic signs and national flags.

Even if an advertisement doesn't need consent, local authorities must still consider its effect on the neighbourhood - or amenity - as well as public safety, e.g. the chance of distracting road users.

Deemed consent

Many other types of advertising benefit from what is known as "Deemed Consent" and you don't need to submit a formal application, subject to certain restrictions*. These include:

- "Functional Advertisements" by bodies such as government departments and agencies.
- Signs on and giving information about a business on its premises, places of worship, educational, recreational or cultural establishments.
- Advertisements on the forecourts of business premises, including shops, restaurants, cafés and petrol filling stations.
- Temporary advertisements, including estate agents' boards, contractor's signs on building sites, adverts for local community events (but not of a commercial nature) and poster-boards which are being used to screen building while the work is being carried out.
- Direction signs to house building sites and advertisements, including flags at the sites themselves.
- Neighbourhood Watch signs.

■ Advertisements that have been displayed without consent for more than ten years, where express consent has expired.

Deemed consent – Restrictions*

*Restrictions normally relate to;

- the number or locations of adverts or signs permitted,
- size of the display,
- its height above ground,
- the size of any lettering
- whether or not it is illuminated.
- The length of time the advertisement can remain.

There are additional restrictions on Deemed Consent in any area that has been designated as an "Area of Special Control of Advertisements" and in some cases other areas such as Conservation Areas.

If you are unsure whether your existing or proposed advertisement requires consent, you can obtain a useful guide: "Outdoor Advertisements and Signs – A Guide for Advertisers" or view it on the Communities website: www.communities.gov.uk. Alternatively you can contact a member of our Planning Team for advice.

Express consent – application required

If your proposed advertisement or sign is not excluded from control and does not meet the "Deemed Consent" criteria, you must apply for "Express Consent".

A special application form and guidance notes on how to fill it in can be obtained from the Planning Team or can be downloaded from the website. Your application should be accompanied by a location plan of the site and details of the position and appearance (colour, dimensions etc) of all advertisements and signs for which consent is being sought.

Express consent will usually last for 5 years from the date it is granted, unless it is one of the types specified as being for a shorter temporary period, although this period can be varied. In making the decision, the local planning authority can only consider the impact of your proposal on amenity and public safety, taking into account relevant development plan policies.

Compliance and Enforcement – Illegal advertisements

In considering the course of action to take, the Council will consider the advice given in Planning Policy Guidance 19 (Outdoor Advertising Control).

Anyonewhodisplaysanadvertisement, or uses an advertisement site, or knowingly permits someone else to

do so without the consent required for it is acting illegally.

In such cases, the planning authority may bring prosecution in the Magistrates' Court for an offence under section 224 of the Town and Country Planning Act 1990. If the planning authority does not initially consider it necessary to prosecute for an advertisement offence, they may invite the advertiser to apply for the consent they believe is required. If consent is refused following this application, there is a right of appeal to the Secretary of State.

The continued display of any advertisement after consent has been refused, and any appeal dismissed may result in prosecution. The maximum fine on conviction of an offence is presently £2,500, with an additional daily fine of one tenth of the maximum penalty on conviction of a continuing offence.

Flyposting

'Flyposting' are advertisements that are displayed without the consent of the owner or occupier of the land and, as such are illegal. Their display entails liability not only on the person actively responsible for putting up the advertisement, but also on the land owner and the person benefitting from the display.

If the flyposting does not identify who is responsible for them, the Council may 'obliterate' or remove them. Formal action is possible if the information on the persons responsible for the display of the poster is available. The council's Street Scene Team can