Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning (Control of Advertisements) Regulations 1992

REFUSAL OF ADVERTISEMENT CONSENT

Name and Address of Applicant
MARSTON'S PLC
MARSTON'S HOUSE
MARSTON'S LANE
WOLVERHAMPTON
WEST MIDLANDS
WV1 4JT

Name and Address of Agent (if any)
Mrs Deborah Pitt
Sign Specialists Ltd
19 OXLEASOW ROAD
EAST MOONS MOAT INDUSTRIAL EST
REDDITCH
WORCESTERSHIRE
B98 0RE

Part I - Particulars of Application

Date of Application	**Application No.**
8 September 2011	11/00737/ADV

Particulars and location of development:

ERECTION OF 2NO ILLUMINATED ADVERTISEMENT SIGNS

The Gate Inn Ashby Road Osbaston Nuneaton Leicestershire

Part II - Particulars of decision

In pursuance of the above-mentioned Regulations, the Hinckley and Bosworth Borough Council refuses consent to the display of the advertisement referred to in Part I hereof for the following reason(s) :-

1. In the opinion of the Local Planning Authority, the advertisements by virtue of their illumination and location will result in visually obtrusive and unwarranted forms of advertisement that are out of keeping with this rural location. The proposal therefore does not accord with Policies BE1 and NE5 of the adopted Hinckley and Bosworth Council Local Plan..

Date:- 31 October 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

IMPORTANT – PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

NOTES

1. Where, on application being made for consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992, consent is refused by the Local Planning Authority the applicant may appeal to the Secretary of State for the Environment. Provided that the Secretary of State shall not be required to entertain an appeal under Regulation 22 if it appears to him, having regard to the provisions of the aforesaid Regulations, that consent for the display of advertisements in respect of which application was made could not have been granted by the Local Planning Authority.

2. Any person who desires to appeal under Regulation 15 (of the Town and Country (Control of Advertisements) Regulations, 1992), shall give notice of appeal in writing to the Secretary of State, within eight weeks from the receipt of notification of the Local Planning Authority's decision. Unless the Secretary of State allowed a longer period. Within eight weeks from giving notice of appeal they should send to the Secretary of State a copy of the following documents :-

   i) the application made to the Local Planning Authority

   ii) all relevant plans and particulars submitted to them

   iii) the notice of decision, if any

   iv) all other relevant correspondence with the Authority

3. The notice of appeal should be given on the appropriate form obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, by telephoning 0117 372 6372 or online at www.planningportal.gov.uk/planning/appeals/.

4. A person displaying an advertisement in contravention of these Regulations shall be liable on summary conviction of an offence under Section 224(3) of the Act (as amended by the Planning and Compensation Act 1991) to a fine of an amount not exceeding level 3 on the standard scale and, in the case of a continuing offence, one-tenth of level 3 on the standard scale for each day during which the offence continues after conviction.

5 If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made “promptly and in any event within three months of the decision”. The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.

RADVNOTES