Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning (Control of Advertisements) Regulations 1992

CONSENT TO DISPLAY AN ADVERTISEMENT

Name and Address of Applicant
Mr Graham Tandy
The Pingle
Ashby Road
Barwell
Leicester
Leicestershire
LE9 8HW

Name and Address of Agent if any
Simon Cheshire
Simon Cheshire Planning
34 Adrian Drive
Barwell
Leicestershire
LE9 8GA

Part I - Particulars of Application

Date of Application	**Application No.**
28 February 2011	11/00128/ADV

Particulars and location of development:

INSTALLATION OF NON ILLUMINATED SIGNS (RETROSPECTIVE)

The Pingle Ashby Road Barwell Leicester Leicestershire

Part II - Particulars of decision

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that the proposed advertisements would be in accordance with the development plan and would not harm public or highway safety or visual amenity. Therefore their display is considered acceptable.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5 and T5

In pursuance of its powers under the Town and Country Planning Act, 1990, the Hinckley & Bosworth Borough Council grants consent for the carrying out of the works referred to in Part I hereof in accordance with the application and plans submitted subject to the following condition and those contained in the notes at the end of this decision notice :-

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, and Site location plan received 18 February 2011, elevation detail as amended and shown on Drawing 4254/2-0164/2 dated 19 April 2011. Email from Agent dated 31March 2011 and Drawing 4254/2-0164/2 received on 19 April 2011 (as amended removing all apparatus for illumination from the scheme).

The reasons for the conditions are :-

1. For the avoidance of doubt and in the interests of proper planning.

IMPORTANT – PLEASE REFER TO THE NOTES AT THE END OF THIS DOCUMENT

NOTES TO APPLICANT :-

1. There is currently an enforcement investigation in relation to the further signage located on top of the fence along the frontage of the site, these do not form part of this approval and represent unnecessary clutter within the countryside. You are advised to remove all unauthorised signage from the site.

Date : 21 April 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

NOTES

1 This consent is subject to the following conditions:-

1a Any advertisement displayed and any site used for the display of advertisement shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

1b Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

1c Where the advertisement is required under these Regulations to be removed the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

1d No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest entitled to grant permission.

1e No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway or waterway (including any coastal waters) or aerodrome (civil or military).

2 The regulations provide that every grant of express consent shall be for a fixed period which shall not be longer than five years from the date of grant of consent without the approval of the Secretary of State and if no period is specified the consent shall have effect as consent for five years.

3 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.

4 Where, on application being made for consent under the Town and Country (Control of Advertisements) Regulations, 1992, consent is refused by the Local Planning Authority or is granted by them subject to conditions, 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 15 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, or could not have been granted otherwise than subject to the conditions imposed by them.

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 **8 weeks** from the receipt of notification of the Local Planning Authority's decision or such longer period as the Secretary of State may allow and shall within one month from giving notice of appeal or such longer period as the Secretary may allow, 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 notices of decision, if any;

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 or by telephoning 0117 372 6372.

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.

CDA NOTES V2