



# Leicester City Council: Renewal of Control of the Regulation of Residential Letting Boards

*June 2023*

Submission to the Secretary of State for renewal of a direction under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

## 1.0 INTRODUCTION

- 1.1 Leicester City Council requests that the Secretary of State renews a Direction made on 9th February 2018 under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulation 7 Direction') which removed deemed consent for the display of letting boards relating to residential property, which are advertisements within Schedule 3, Part 1, Class 3A of the Regulations, in some areas of Leicester.
- 1.2 The reason for seeking renewal of the Regulation 7 Direction is that the substantial number of residential letting boards ('to let boards') displayed in these areas has reduced significantly since the Regulation 7 Direction was implemented such that the previous significant adverse impact on the character and appearance of the areas detrimental to the amenity of residents in the community has been reversed. The Council wishes to maintain this improvement to the affected areas which it considers is as a direct result of the effect of the Regulation 7 Direction.

## 2.0 LEGISLATION AND POLICY

- 2.1 The display of outdoor advertisements is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations'). The Regulations permit advertisements relating to the letting of residential property to be displayed without the Council's consent provided they comply with a number of conditions and limitations ('deemed consent'). Whilst under normal circumstances the Regulations are adequate to keep the impact of outdoor advertisements within acceptable control, the situation within some areas of Leicester fell well outside acceptable limits and accordingly, special intervention was required.
- 2.2 Paragraph 136 of the National Planning Policy Framework 2021 states that "*the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*".
- 2.3 Amenity is not a term that is formally defined in planning legislation, however, planning practice guidance states that when considering amenity in terms of an advertisement, "*In practice, "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.*"<sup>1</sup>
- 2.4 The conditions and limitations that apply to adverts falling within Schedule 3, Part 1, Class 3A of the Regulations effectively mean that the overwhelming

---

<sup>1</sup> Planning Practice Guidance, Department for Communities and Local Government <https://planningguidance.planningportal.gov.uk/blog/guidance/advertisements/considerations-affecting-amenity/>

majority of 'to let' boards on display benefited from deemed consent. As such, they do not require any form of advertisement consent from the Local Planning Authority. In light of this, the Council sought special powers under Regulation 7 to remove the benefit of deemed consent provisions for residential letting boards. In doing this, all residential letting boards within the defined areas would require advertisement consent and unauthorised boards could then be removed effectively through normal enforcement procedures.

- 2.5 The Regulation 7 Direction was granted on 9th February 2018 and is attached hereto at **Appendix A**, together with maps of affected areas at **Appendix B**.

### **3.0 THE LEICESTER CONTEXT**

- 3.1 Leicester is home to two major universities, the University of Leicester and De Montfort University. Also in the same general area of the City is the Leicester Royal Infirmary, which is part of the University Hospitals of Leicester NHS Trust and a major teaching hospital in the East Midlands. Wyggeston and Queen Elizabeth I College and Leicester College also have teaching facilities within the City Centre.
- 3.2 In 2013/14 the University of Leicester had 16,750 students, (13,570 full time), and De Montfort University had 19,645 students. (15,595 full time). A significant number of students in the City either live in purpose built accommodation or in shared housing within the Castle, Knighton, Saffron and Westcotes wards of the City.
- 3.3 The 2022 Local Housing Needs Assessment<sup>2</sup> identified that in 2019 there were 8,389 'student exempt properties' which do not have to pay council tax because of being all-student households in the Leicester. At the time of the 2011 Census there were 5,604 private sector dwellings occupied by all student households in Leicester, at an average occupancy of 2.5 students per dwellings. On this basis, there has been a very significant growth in the number of students occupying private sector dwellings in Leicester, which will have increased the pressure on the housing stock of the city particularly as there has also been a growth in households in receipt of housing benefit in the private rented sector and a growth in households renting privately.
- 3.4 Between 2015 and 2019 the Council granted planning permission for nearly 4,000 student bedspaces. The impact of COVID 19, and Brexit is still not clear for the university sector, but if these effects limit the growth of student numbers in Leicester, fewer student bedspaces will be required. Therefore, the case for additional student bedspaces in Leicester is now less pressing than was found in the 2019 Leicester City Local Housing Need Assessment. (This assessment is in the process of being updated.)
- 3.5 The study also notes that in areas with a large student population like Leicester, many recent graduates will not form their own household immediately but will

---

<sup>2</sup> The Local Housing Needs Assessment: Update Addendum 2022  
[https://consultations.leicester.gov.uk/planning/local-plan-documents/user\\_uploads/leicester-lhna-update-addendum---sept-2022.pdf](https://consultations.leicester.gov.uk/planning/local-plan-documents/user_uploads/leicester-lhna-update-addendum---sept-2022.pdf)

instead share properties with other young adults, thereby retaining a demand for shared accommodation.

- 3.6 Despite the increase in purpose-built accommodation in and around the universities, many second- and third-year students tend to live in small groups in the areas stated above. In addition, houses no longer occupied by students are now rented to other groups of mainly young people who have migrated to Leicester from elsewhere, including abroad.

#### **4.0 ARTICLE 4 DIRECTION**

- 4.1 Due to the large number of properties in the identified areas that were being occupied by students and other groups of unrelated people, in August 2013 the Council issued an Article 4 Direction which restricted the change of use of a residential house to a house in multiple occupation ('HMO') for between 3 and 6 unrelated people. The Article 4 direction is attached at **Appendix C**. It affects a similar area to that affected by the Regulation 7 Direction.
- 4.2 The Article 4 Direction was aimed at controlling the number of shared houses (whether student or not) which through overconcentration was having a detrimental impact on the area. The proliferation of 'to let' boards gave the impression that certain streets were solely given over to HMOs, thus deterring families from moving into the area and redressing the housing balance.
- 4.3 Since the Article 4 Direction came into force, the prevalence of HMOs has steadied, and it is now rare to receive reports of unauthorised HMOs in those areas. However, planning applications for HMOs in the identified areas have increased, showing that there is still a demand for this type of accommodation, and in 2022, a similar Article 4 Direction was implemented in some immediately neighbouring areas.
- 4.4 The Regulation 7 Direction has helped to support the 2013 Article 4 direction and associated policy through improving the visual amenity of the area, as the proliferation of residential letting boards has significantly diminished. It has arguably by association supported the 2022 Article 4 Direction as well, as no reports have been received in those new areas such that it is not deemed appropriate to expand coverage of the existing Regulation 7 Direction.

#### **5.0 MEASURES TAKEN TO ADDRESS TO LET BOARDS**

- 5.1 In surveys undertaken in 2013 that preceded the original application to the Secretary of State, more than 600 boards were found to be on display. Leicester City Council had received complaints from residents of these areas about the display of 'to let' boards for many years and firstly took measures to control the display by writing to the agents responsible for the display of boards to remind them of the existing legislation. Unfortunately, this did not result in a reduction of the numbers of boards displayed.

- 5.2 After public consultation in June 2013, a voluntary Code of Practice for the display of 'to let' boards was introduced in November 2013, which was largely ignored.
- 5.3 After further public consultation in April 2015, the Council applied for the Regulation 7 Direction in 2016 and the Regulation 7 Direction was granted in February 2018.
- 5.4 The Regulation 7 Direction was implemented on 2nd July 2018 and affects some streets in the City's Castle, Knighton, Saffron and Westcotes Wards areas. A Code of Practice, attached at **Appendix D**, providing localised guidance ran alongside the Regulation 7 Direction, notifying landlords that if residential 'to let' boards are displayed at the affected addresses in accordance with the Code of Practice, it would not be considered expedient to take prosecution action and that if alternatives were required, an application must be made for advertisement consent, however, only those matching the requirements of the Code of Practice would be likely to be considered acceptable.
- 5.5 Some resistance to the Regulation 7 Direction's implementation was initially received from one or two letting agents but after a 'settling in' period, illegal displays significantly reduced. Immediately after the Regulation 7 Direction was implemented in 2018, 11 boards were found on display July-December, via a combination of reports received and street surveys. In 2019, the first full year of the Regulation 7 Direction, 70 boards were found on display via a combination of reports received and street surveys. In 2020, nine boards were found to be on display and in 2021, only seven, all of which during those two years were reported only by third parties (these were the years at the height of the main pandemic restrictions). Formal street surveys were not carried out. In 2022 overall, 29 boards were found on display, three of which were reported to the Council and 26 found via street surveys. See **Appendix E** 'Street Surveys'.
- 5.6 No applications have been received and it has not proven necessary to undertake any prosecutions.
- 5.7 It appears that letting agents are effectively policing themselves, as most of the reports of illegal displays post-implementation of the Regulation 7 Direction have been received from competitor letting agents.

## **6.0 FURTHER CONSULTATION**

- 6.1 Consultation was carried out with local residents and estate agents between 8th March 2023 and 5th April 2023 using the Consultation Hub (Citizen Space) of the City Council's website and letters to estate agents. Notices were also displayed in the affected areas and the consultation was advertised in the local press and on the Leicester City Council website. The letter to agents is shown at **Appendix F**; the consultation at **Appendix G**.
- 6.2 Councillors of the Castle, Knighton, Saffron and Westcotes Wards, members and the Chair of the Planning and Development Control Committee were briefed by e-mail about the consultation process.

### 6.3 Consultation Responses

- 6.3.1 The consultation asked, 'Do you support the renewal of the Direction Regulation 7?' 21 formal responses were received: 18 to the online survey and three via e-mail. A further e-mail response was received the day after the consultation ended and some informal comments were made on the Leicester Mercury website (Leicester's main local news provider).
- 6.3.2 Of the 18 online responses, 13 (72.22%) said 'yes' and 5 (27.78%) said 'no'. A full analysis of the 18 responses to the online consultation is attached at **Appendix H**. Of the three e-mail responses, one said 'yes' and two had 'no opinion either way'.
- 6.3.3 Of the 21 formal responses, 66.67% of respondents supported renewal of the Regulation 7 Direction, 23.81% did not support renewal, and 9.52% had no opinion either way.
- 6.3.4 The online consultation included a space where respondents could comment. 15 of the 18 respondents made comments (11 in support, 4 not in support). All comments (online, e-mail, Leicester Mercury website) are attached at **Appendix I**.
- 6.3.5 A professional body of property agents sent an e-mail on the last day of the consultation stating they were planning on responding to the consultation but due to deadlines and the Easter Holidays, did not think they would be able to respond by that afternoon and hoped to do so by the following week. They were notified by e mail that day that their response would need to be submitted that day as if it were received afterwards, it may not be taken into consideration. Their representation, which is attached at **Appendix J** for information purposes, was received the following day, after the consultation ended. They objected to the renewal and argued that adequate powers exist under existing legislation to take action against advertisements; the restriction is no longer necessary; and it would have impact on letting businesses.
- 6.3.6 The reduction in unauthorised advertisements indicates a change in the attitude of letting agents. The late representation has not been taken into consideration as it was received outside the consultation period. Even if the response was received in time, the fact remains that through the public consultation exercise, from those that responded, a clear majority supported an application to renew the Regulation 7 Direction.
- 6.3.7 It is considered that the use of letting boards is not necessary. They are often left in place for long periods or indefinitely, not to indicate vacant accommodation but to advertise the letting company. Most people looking for rented accommodation are likely to search agents' websites or property portals rather than walk or drive around an area looking for 'to let' boards.
- 6.3.8 It is not proposed at this time to extend the area covered by the Regulation 7 Direction as the existing control seems to be working and informal monitoring has shown that no further areas of the City have become

problematic. The restriction may have had a ‘knock-on’ effect for other areas as reports of unauthorised displays have dropped dramatically across the City.

## **7.0 Areas Affected by the Regulation 7 Direction**

### **Area 2a Windermere and 2b Hazel**

#### **Character Appraisal**

- 7.1 This area is characterised by high-density 2-storey red brick terraced houses built flush with the back of the pavement. There is little variation in the styles of the houses with a simple palette of bricks and slates being used. The buildings have subtle embellishments such as carved stone lintels, decorative corbels and blue-brick string courses.
- 7.2 The relatively small plot sizes and uniformity of the properties mean a lot of the character is derived from the long views down the streets.
- 7.3 The area remains predominantly residential with some small businesses operating within residential streets and a greater commercial presence on Walnut Street and Aylestone Road.
- 7.4 There is a greater variation in house styles along Brazil Street and Sawday Street, with larger Victorian villas with bay windows and interwar semi-detached housing as well as a church and a school.

#### **Impact**

- 7.5 A proliferation of to let boards had a significantly deleterious impact on the local street scene interrupting long views and causing a cluttered effect due to their overhanging the street and the narrow plots.
- 7.6 The survey (of the affected streets) in 2013 found 90 boards on display. The survey in September/October 2022 found 8.

### **Area 3 Clarendon Park**

#### **Overview**

- 7.7 Clarendon Park is a residential suburb to the south of the City close to the University of Leicester and centred around the local shopping centre on Queens Road. It predominantly developed in the late Victorian area as a residential area and continued to develop into the interwar era when it was significantly added to.
- 7.8 The area is split into three distinct character areas, two of which – Clarendon Park and Greenhill – are subject to the Regulation 7 Direction (the third, West Stoneygate, was not included in the Regulation 7 Direction after assessment of the Council’s original application).

## **Area 3b Clarendon Park**

### **Character Appraisal**

- 7.9 The main area of Clarendon Park is predominantly characterised by 2-storey terraced houses dating from the late Victorian era. The properties are typically less detailed and decorated than those in Stoneygate however there are some notable exceptions on Victoria Park Road and Clarendon Park Road.
- 7.10 There is a mix of property types and sizes that tie together to make cohesive street scenes. The long views of terraces add a strong characteristic which is enhanced by its hillside location offering interesting changes in scale and long views of green space on Victoria Park Road.
- 7.11 Traffic calming schemes were implemented in the mid-20th century, which allowed for the planting of trees and shrubs as well as small pedestrianised areas which greatly enhance the character of the area.

### **Impact**

- 7.12 The high density of the housing combined with the edge of footway housing and relatively small plot sizes meant that 'to let' boards can have a significant impact on the character of the area. Such boards project into the public realm, interrupting the rhythm of the terraces and detracting from their character.
- 7.13 The survey (of the affected streets) in 2013 found 69 boards on display. The survey in September/October 2022 found 6.

## **Area 3c Greenhill**

### **Character Appraisal**

- 7.14 The Greenhill area is characterised by lower density housing dating from the interwar era. The houses are typically semi-detached with short front gardens, which are not deep enough to park vehicles.
- 7.15 The properties do not have particularly distinctive detailing or embellishment but are good examples of interwar housing.
- 7.16 While at lower density the properties are typically built close to each other and close to the street which gives a strong sense of enclosure.

### **Impact**

- 7.17 The area was adversely affected by a proliferation of to let boards interrupting the character of these streets.
- 7.18 The survey (of the affected streets) in 2013 found 8 boards on display. The survey in September/October 2022 found none.



## **Area 4 West End**

### **Overview**

- 7.19 The West End is an extensive suburb in the West of the city. It was largely developed at the end of the 19<sup>th</sup> century when the estates of two large houses were sold off for development. The area is predominantly characterised by edge of pavement 2-storey terraced properties, some flush-fronted and others with bay windows.
- 7.20 There are smaller amounts of larger, grander housing as well as a new housing development on former railway land to the east. The majority of the grander housing falls within one of two conservation areas.
- 7.21 The area is predominantly residential with local shopping centres on Narborough Road and Hinckley Road. It is close to the Royal Infirmary and De Montfort University. The area can be divided into five sub-areas, which are Bede Island South, West End, Ashleigh Road, West End Conservation Area and Westleigh Avenue.

## **Area 4b West End**

### **Character Appraisal**

- 7.22 The majority of the west end is characterised by 2-storey residential terraced houses dating from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries in a mix of flush fronted and bay fronted properties. The area is developed at a high density but many of the streets have semi-mature and mature street trees.

### **Impact**

- 7.23 The dense nature of development, lack of front gardens in many streets and small plot sizes meant the impact of 'to let' boards is disproportionately harmful and often overhang the public highway.
- 7.24 The survey (of the affected streets) in 2013 found 284 boards on display. The survey in September/October 2022 found 11.

## **Area 4c Ashleigh Road Conservation Area**

### **Character Appraisal**

- 7.25 This small area is characterised by substantial Victorian properties with high levels of architectural detailing. They are mainly red-brick with slate roofs and often with decorative timberwork. Other common decorative features include hanging tiles, blue-brick string courses and bespoke doors with leaded glass details.
- 7.26 The row of properties along Narborough Road is particularly striking given the repeating form of the second-storey bays; the front gardens also provide one of

the only substantial areas of green space within the area and are on a main arterial route into the city.

### **Impact**

- 7.27 The size of the properties means that many have been sub-divided into smaller flats; as such there is an issue with multiple boards being displayed at single properties exacerbating their impact
- 7.28 The large gardens of the Narborough Road properties means that boards are often placed within the trees and hedges and overhang the public highway.
- 7.29 The area has a strong character and identity through the regularity of the form of the buildings. The proliferation of 'to let' boards had a significantly deleterious impact on the character of this area which is of special heritage interest.
- 7.30 The survey (of the affected streets) in 2013 found no boards on display. The survey in September/October 2022 found one.

### **Area 4d West End Conservation Area**

#### **Character Appraisal**

- 7.31 This conservation area stretches from Westcotes Drive in the south to Stretton Road in the north and takes in a substantial swathe of properties along Fosse Roads South and Central. Only the part of the area covering Westcotes Drive and Fosse Road South is included.
- 7.32 The area is characterised by substantial three-storey Victorian villas built to varying designs on the main roads with smaller terraced villas on the smaller roads. The buildings typically have decorative details such as bay windows, decorative porches and string courses.
- 7.33 The character of the area comes from the high level of decorative detailing on the properties and their high-density character. The uniformity of the houses, in respect of plot size and building scale gives a strong sense of identity.

### **Impact**

- 7.34 The size of the properties means that many have been subdivided into smaller flats; as such there was an issue with multiple boards being displayed at single properties exacerbating their impact.
- 7.35 The area has a strong character and identity through the regularity of the form of the buildings. The introduction of 'to let' boards had a significantly deleterious impact on the character of this area, which is of special heritage interest.
- 7.36 The survey (of the affected streets) in 2013 found 2 boards on display. The survey in September/October 2022 found none.

## **8.0 THE CURRENT SUBMISSION**

- 8.1 Following the success of the Regulation 7 Direction in significantly reducing the proliferation of illegally displayed ‘to let’ boards in the affected areas, and through the public consultation exercise, from those that responded, a clear majority supporting an application to renew it, a report was taken to the Director of Planning, Development and Transportation on 22nd June 2023 for authorisation to make a submission to the Secretary of State for renewal of the Regulation 7 Direction. The Director has authorised the submission to be made. A copy of the report and the delegated powers decision sheet is attached at Appendix K.

## **9.0 FUTURE ENFORCEMENT STRATEGY**

- 9.1 Retention of the Regulation 7 Direction would allow the City Council to continue to control the display of residential letting boards more effectively and concentrate resources on improving and maintaining amenity in the worst affected areas.
- 9.2 The Regulation 7 Direction is supported by robust monitoring and enforcement. No additional expenditure has been identified or is proposed in order to expand the capacity of the City Council’s Planning Enforcement service and any increase in work demands are being and will continue to be met from existing resources. To ensure that these proposed arrangements are delivered effectively from the time that the Regulation 7 Direction is issued it is proposed to use the Council’s wider resources including the City Wardens to carry out further monitoring and evidence gathering.
- 9.3 Any such boards displayed after the Regulation 7 Direction is made, which are considered contrary to the proposals contained in the Code of Practice, would be unauthorised and therefore constitute an offence against which action could be taken. The success of similar approaches elsewhere such as Nottingham City Council and Charnwood Borough Council has been noted. The Council asserts that early concerted enforcement action and monitoring has led to a change in marketing behaviour resulting in reduced enforcement demands in the long term. To support the proposal and address the considerable harm previously identified, the City Council will be committed to seek prosecutions via the courts for ‘to let’ boards persistently displayed without the necessary consent.

## **10.0 CONCLUSIONS**

- 10.1 Leicester City Council considers that the overall number of letting boards on display in the proposed areas was unacceptably high at the time the Regulation 7 Direction was sought and where concentration existed, had a serious impact on the character and appearance of the area and the wellbeing of communities in the affected neighbourhoods.

- 10.2 When the Regulation 7 Direction was implemented, initial resistance was encountered from one or two letting agents, but this did not persist. Residential letting boards are no longer being displayed on streets as they were before the Regulation 7 Direction was implemented and the Council considers this is as a direct result of the control afforded by the Direction being in place.
- 10.3 This request for renewal of the Regulation 7 Direction originates from a call by local communities in the affected neighbourhoods ten years ago to control damage to the visual character of the neighbourhoods. The success of the Regulation 7 Direction has effectively reversed the detrimental effect the proliferation of residential letting boards was having on the affected areas and the City Council considers that the level of statutory control afforded by the Direction should remain.
- 10.4 Other Local Authorities such as Nottingham, Leeds, Newcastle and Charnwood have been successful with applications for renewal of Regulation 7 Directions in relation to residential 'to let' boards. Like some of these authorities, the City Council has adopted guidance setting out a scheme of advertisement that should be followed. However, it is considered that the restriction to display 'to let' boards remains justified in the context of the impact and evidence. Internal advertisements in individual properties would be sufficient to supplement extensive online advertisements, shop displays and websites used by agents.
- 10.5 Through the public consultation exercise, from those that responded, a clear majority supported an application to renew the Regulation 7 Direction.
- 10.6 The City Council therefore requests that the Regulation 7 Direction be renewed by virtue of Regulation 29 of the same Regulations as it currently stands and as applied for.