



Campaign to Protect  
Rural England

# ROADSIDE ADVERTISING: PROBLEMS AND SOLUTIONS A CPRE POLICY BRIEFING

*'I fear there would not be the slightest chance of success in attempting to tax (and thereby regulate) advertisements...you must remember that the advertisements you are speaking of are always on private property, and that in consequence it would be a revolutionary act to meddle with them'...*

William Morris, letter dated 27 October 1893

*'Roadside placards or other unacceptable (sic) displays certainly produce a very definite reaction against the goods it is sought to popularise, an established psychological phenomenon that the old-fashioned advertiser seems to have not yet discovered'.*

CPRE founding member Clough Williams-Ellis, England and the Octopus, 1928.

## Introduction

Since its formation in 1926, CPRE has been concerned with the effect of large advertising displays on the countryside. In contrast to the pessimism expressed by William Morris, we have had some success in controlling their spread. In particular, we were instrumental in bringing about the regime of Areas of Special Control of Advertising (ASCAs) in 1948. These were set up primarily to reverse and prevent the spread of poster panels along main roads in the countryside.

Advertising hoardings have blighted the landscape in many parts of North America and continental Europe. By contrast, the English countryside has been kept largely free of such advertising since 1948 and this, for many people, is a key part of its character. This is largely down to the success of strict advertising control, an enduring achievement of the British planning system. This achievement is now in serious danger.

## What is the problem?

### **The number of hoardings is growing**

Evidence gathered by CPRE and the Highways Agency in the six months to July 2005 points to an increasing number - 887 across England at the most recent count - of large advertising hoardings, often placed on trailers, in fields alongside major roads. The problem is nationwide, and appears to be most concentrated along the M1 (in Yorkshire), the length of the M5 and M6, M40 (between Oxford and Birmingham), and M62 (in West Yorkshire).

England is a relatively small and highly urbanised country. The impact of advertising spreading unchecked alongside our major roads is therefore potentially huge. On the M6 in Staffordshire, CPRE volunteers have reported 20 hoardings over a ten-mile stretch - on average two hoardings for every mile travelled.

There are also important road safety concerns. Large hoardings are designed to be read and to distract. Combined with the high speeds normal on main roads and motorways, such hoardings have the potential to cause serious accidents.

Marketing firms and websites are springing up to offer trailer advertising, and can offer farmers significant sums of money to install hoardings on their land. CPRE recognises that many farmers are facing economic hardship. But we believe that the way forward is increasing incentives for environmentally beneficial land management rather than blighting the countryside with ugly advertising hoardings that contravene established planning controls.

### **Confusion over the regulations**

The increasingly common practice of mounting hoardings on trailers appears to be exploiting a degree of confusion about the provisions of two sets of regulations: the *Town & Country Planning (Control of Advertisements)*

*Regulations 1992*, and the *Town & Country Planning (General Permitted Development) Order 1995* (GPDO). At first glance it may appear that advertising placed on a trailer with wheels does not need to be authorised, but a careful reading of both sets of regulations proves otherwise.

The Advertisement Regulations list advertisements allowed without a planning application having to be made. This 'exempt' list includes advertisements on or in vehicles (as long as that vehicle is not normally employed except as a moving vehicle or used principally for the display of advertisements) and 'miscellaneous temporary advertisements' (Schedule 2, Class C). These two categories appear to be the source of the common misunderstanding that formal permission does not have to be sought for advertisements on wheels. However, if a trailer has been parked in a field for some time it is not a 'moving vehicle', and the simple existence of wheels does not justify a claim that the advertisement is temporary.

It is sometimes claimed that advertisements on trailers may be allowed by the GPDO. The relevant section would be Schedule 2 of the GPDO, which details 'permitted development', i.e. where no planning application is required. Advertisements on trailers would fall within Class B of Part IV, Temporary Buildings and Uses. Class B permits the 'Use of any land for any purpose for not more than 28 days...and provision on the land of any moveable structure for purposes of permitted use'. Paragraph B.1 specifically states, however, that this does not apply if 'the use of the land is for the display of an advertisement'.

## What is the solution?

### **Existing powers need to be used**

It is vital that the existing powers available to local planning authorities to deal with the problem be maintained. If an advertisement is on a stationary trailer in a field it needs proper authorisation. The Government's acknowledgment of the growing blight of roadside advertising and its letter in July 2005 to local authorities reminding them to use the powers they have to tackle it are welcome, but these need to be followed through.

Government policy on the use of the regulations is contained in Planning Policy Guidance note 19 *Outdoor Advertisement Control* (PPG19, March 1992) and Department of the Environment Circular 05/1992. PPG19 (paragraphs 2 and 11) states that local planning authorities are able to control advertisements in the interests of public safety and 'amenity', meaning the impact of an advertisement on its surroundings. If a company applies for consent for a trailer advertisement alongside a motorway, Circular 05/1992 gives a clear lead for local authorities to resist such an application.

The Circular states: 'Land alongside motorways is landscaped for reasons of safety and appearance ... It is hoped that local planning authorities will take steps to ensure that on land alongside motorways but not required for them, no advertisements that could adversely affect amenity or constitute a danger to traffic are allowed.' The Government emphasised, in its July 2005 letter to local planning authorities, that this advice is still relevant.

### **Those responsible need to be prosecuted**

Anyone displaying an advertisement in contravention of the regulations commits an offence under section 224(3) of the *Town and Country Planning Act 1990*. Potentially guilty parties are listed in section 224(4) and include the owner or occupier of the land as well as the company whose wares or services are advertised. The 'site' can also include all land owned by a particular owner, so local authorities should not be put off by the trick sometimes employed of moving the advertisement to a neighbouring field.

Some advertising companies base their business on arranging such advertising space (see the CPRE briefing *The Eyesore Merchants*). In cases where they are identified as responsible for an unauthorised advertisement, these companies would also seem to be good targets for prosecution. This is particularly because magistrates will set higher levels of fine if those responsible are shown to be persistent offenders. The Government encourages this course of action in its July 2005 letter to local planning authorities.

### **Government policy needs to be stronger**

Areas of Special Control of Advertising (ASCAs) have long been effective in keeping the countryside free of large hoardings. In recent years, the Government has sent out mixed messages about the important role ASCAs play, however, and it has tried more than once to abolish them. The Government should revise PPG19 to affirm its commitment, and encourage local authorities, to maintain ASCAs in the countryside and extend them where suitable.

### **Local authorities need to be empowered**

Local authorities often lack the resources to take enforcement action. Perversely, this is encouraged by the Government's 'Best Value' regime of assessing the performance of local authorities, with its current focus on the speed at which planning applications are processed. Anecdotal evidence suggests that, in some areas of

the country where unauthorised roadside advertising is a problem, local authority officers have been redeployed from planning enforcement to processing planning applications, leaving the authority inadequately staffed to monitor breaches of planning control.

The Government should introduce a legal duty to enforce advertising control alongside major roads as a first step to a duty covering all aspects of planning control. A good opportunity to do this would be through supporting Earl Attlee's amendment (no.156) to the Road Safety Bill due to be considered in Parliament in October 2005. At the same time, the Highways Agency should be directed to assist local authorities in fulfilling its duty in relation to the motorways and trunk roads that it is responsible for. There should also be a review and amendment of Best Value performance indicators for local authorities, with a view to increase resources being devoted to enforcement of planning controls.

## What CPRE is doing - and what you can do

CPRE has long and successfully campaigned for the countryside to be kept largely free of unsightly advertising. Trailer advertising is the latest challenge. With the force of the law and Government policy behind us, we're determined to fight this scourge.

As part of our campaign we have:

- > highlighted the 'hoarding hotspots' around England, with the support of our volunteers, the Countryside Agency and the Highways Agency, showing just how widespread the problem is becoming;
- > listed the companies and websites that are peddling roadside trailer advertising, along with some of the big names that have used it in recent months; and
- > shown how local authorities can take action by highlighting the best practice of enforcement officers in Chester, East Devon, South Somerset and Warwick District Councils.

Further information about this campaign is available at [www.cpre.org.uk](http://www.cpre.org.uk) or from CPRE Publications, tel: 020 7981 2856; e-mail [publications@cpre.org.uk](mailto:publications@cpre.org.uk).

### **Write to your local authority**

The growth in unauthorised roadside advertising is partly because local planning authorities are not aware of the problem or the powers that exist to deal with it. If large trailer hoardings are a problem in your area, write to your local planning authority, usually the district council, and let them know.

### **Tell the Government your views - join our letter writing team**

CPRE is running a letter writing campaign to urge the Government to strengthen the existing powers to act against roadside advertising. Many have already written in support of our campaign, and we could really use your help too.

We ask letter writers in our network to write a couple of other letters a year on relevant policy issues, which are straightforward, politically balanced and don't take long to write. We supply suggested text highlighting key points, which you are free to amend. If you can help or would like more information, please email our campaigns team or give Nicole Waldock a call on 020 7981 2800 or e-mail: [campaigns@cpre.org.uk](mailto:campaigns@cpre.org.uk).

### **Join CPRE**

Join CPRE and become a member of a dynamic network of 60,000 people helping to protect our countryside. You can also support us through a financial contribution. This will enable CPRE to continue campaigning effectively, and pressuring decision makers to protect the countryside from blights such as inappropriate advertising.

### **Get involved with a CPRE branch or regional group**

CPRE has 200 district groups, 43 branches and nine regional groups across England. Please contact us today to find out who is your local CPRE contact, what we are doing locally, and how you can help.