



Llywodraeth Cymru
Welsh Government

GUIDANCE, DOCUMENT

Advertisement consent appeals: guidance for appellants

How and when you can make an appeal relating to
advertisement consent

First published: 30 May 2024

Last updated: 30 May 2024

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/advertisement-consent-appeals-guidance-appellants-html> for the latest version.

Get [information on copyright](#).

Contents

[Introduction](#)

[Overview of appeal procedures](#)

[How to appeal](#)

[Completing the appeal form](#)

[Further information](#)

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/advertisement-consent-appeals-guidance-appellants.html> for the latest version.

Get [information on copyright](#).

Introduction

Displaying an advertisement often requires advertisement consent, as set out in the Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended) ('the Advert Regulations'). Further information about relevant legislation can be found in section 16 of the Welsh Government's [Development Management Manual](#).

Advertisement consent applications are submitted to the Local Planning Authority (LPA) for the relevant area. An advertisement application can be for a specific advertisement or for the use of a site for advertising. Examples can include signs for shop or business fronts, posters, notices, light projections, hoardings, hanging signs or flags.

When assessing an advertisement application, the only matters that can be considered are amenity and public safety. The Advert Regulations state that the LPA should consider:

“(a) in the case of amenity, the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, disregarding, if they think fit, any advertisement being displayed there;

“(b) in the case of public safety—

“(i) the safety of any person who may use any road, railway, waterway, dock, harbour or aerodrome;

“(ii) whether any display of advertisements is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air.” ”

In relation to advertisement consent, amenity relates to the impact of the display of the advert on the appearance of the building or the character of the immediate area, taking into account any historic, architectural or cultural features. For example, if an advertisement is located within a Conservation Area, the decision maker would need to consider the impact of the display of the advertisement on the character of the Conservation Area and its visual impact. If the advertisement includes audio, then potential noise disturbance (auditory amenity) would also be considered.

Assessing an advertisement's impact on public safety includes the effect on the safe use and operation of any form of traffic or transport (including the safety of pedestrians) on land, water or air. This includes behaviour (i.e. distraction) of vehicle drivers who will see the advertisement, possible confusion with any traffic sign or other signal, and possible interference with a navigation light or beacon.

In carrying out its functions the LPA (and PEDW when determining appeals) must also have regard to its other statutory duties including those under the Well Being of Future Generations Act to achieve the well-being goal of a vibrant culture and thriving Welsh language. Information regarding the **Well Being of Future Generations Act is available from the Future Generations Commissioner for Wales**. This is particularly relevant in predominantly Welsh-speaking communities where Welsh is an integral part of their fabric and may be relevant to decisions on advertisements.

Reasons for the appeal

You can appeal against any of the following:

- refusal of an application for advertisement consent;
- a condition attached to advertisement consent (for example, a condition that you feel is unreasonable or unnecessary); or

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/advertisement-consent-appeals-guidance-appellants-html> for the latest version.

Get [information on copyright](#).

- if the LPA does not make a decision on the advertisement consent application within the 8-week period (non-determination).

Who can appeal

The applicant listed on the application form or an agent acting on their behalf can submit an appeal.

Overview of appeal procedures

Appeals regarding advertisement consent are typically handled through written representation procedures. Your written statement of case, as submitted with your appeal form, is your only opportunity to present your argument. In some cases, a hearing or inquiry may be necessary. The choice of procedure is initially made by PEDW officers and later reviewed by the appointed Inspector after the exchange of written evidence. Additional information can be found in our guidance on the [Choice of Procedure](#).

All evidence documents submitted with an appeal will be published on the [Planning Casework Portal](#). Further information can be found in our [privacy notice](#). If you have any queries about our policy or wish to make a request for your personal data then please [contact us](#).

The appeal process is set out below.

Most appeals proceed under Part 3 of the Appeal Regulations. There may be circumstances where PEDW decide that the appeal should proceed under Part 4 and the differences in procedure are noted below.

- The appellant submits an appeal with their full statement of case. This is the

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/advertisement-consent-appeals-guidance-appellants-html> for the latest version.

Get [information on copyright](#).

only opportunity to explain the reasons for the appeal and must be provided at this stage.

- PEDW will acknowledge that an appeal has been submitted. PEDW will undertake validation checks to ensure the appeal has been submitted in time and with all of the necessary documents.
- If the appeal is valid, PEDW will write to the appellant and the LPA confirming the start date for the appeal and estimated timescales for their decision. Please note that there may be a period of time between acknowledgement of receipt and completion of validation checks. Please see our [service update](#) for more details.
- Within 5 working days of the start date of the appeal, the LPA must notify any interested parties (those involved in the original application, for example the Council's Highway Officer) of the appeal and confirm that any comments from the application stage will be forwarded to PEDW and the appellant.
- Within the same 5 working days, the LPA must submit their questionnaire and supporting documents relating to the application to PEDW. These documents are the LPA's representation and there is no opportunity to submit a statement of case. Alternatively, if proceeding under Part 4, the LPA should confirm whether they will rely on the questionnaire and supporting documents to make their case, or if they intend to submit a full statement of case which must be received by PEDW within 4 weeks of the start date for the appeal. The LPA must also send a copy of the questionnaire to the appellant.
- Under Part 3, interested parties are not able to submit new comments at appeal stage. However, they can withdraw their comments made at application stage by writing to PEDW within 4 weeks of the start date of the appeal. Alternatively, if proceeding under Part 4, interested parties may

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/advertisement-consent-appeals-guidance-appellants-html> for the latest version.

Get [information on copyright](#).

submit a new representation at appeal stage. There is no need to repeat what was submitted at application stage. The deadline for interested party representations is 4 weeks from the start date of the appeal.

- If proceeding under Part 4, after the 4 week date, PEDW will send copies of any interested party representations to both the LPA and the appellant, and if the LPA has submitted a statement of case PEDW will send a copy to the appellant. After the exchange of evidence, if the appellant, LPA or an interested party wish to submit written comments on the representations of any other party, they may submit them to PEDW. Any comments must be received by PEDW within 6 weeks of the start date of the appeal.
- PEDW will appoint a Planning Inspector to decide the appeal. The Inspector will visit the appeal site before making their decision. Since most advertisements are visible from public places, the Inspector will typically conduct a site visit alone.
- PEDW aims to issue a decision within 8 weeks of the start date of the appeal, or if that is not possible, within 3 weeks of the site visit.

How to appeal

Deadlines and required documentation

Advertisement consent appeals submission deadlines are set out in Part III of Schedule 4 of the Advert Regulations. Appeals are processed in accordance with Part 3 and Part 4 of the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 (as amended) [‘the Appeal Regulations’].

If you are appealing the LPA’s decision to refuse your application, or you are

appealing a condition included on your consent, you must appeal within 8 weeks of the date on the decision notice from the LPA.

If you are submitting an appeal because your application has not been determined by the LPA, you can submit your appeal 8 weeks after the date that your application was received by the LPA.

You must complete the **advertisement consent appeal form** and submit the relevant documents:

- your original application form submitted to the LPA;
- a copy of the forms, documents, plans, drawings, evidence, statements, declarations or certificates which were submitted to the LPA with your application; and
- if the appeal is against refusal of the application or against a condition, please provide the decision notice from the LPA, or
- if the appeal is against the LPA's failure to decide your application, please provide a copy of the LPA's letter registering your application.

You must submit your full statement of case with the appeal.

If we do not receive your appeal and documents within the time limit, we may not accept your appeal.

There is no fee to submit this type of appeal.

Submitting your appeal

Our preferred way of working is electronically. You can submit the appeal form

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/advertisement-consent-appeals-guidance-appellants-html> for the latest version.

Get [information on copyright](#).

and supporting documents via **email** to make the process of your appeal as efficient as possible.

You must also send a copy of the completed appeal form to the LPA so that are aware that you have appealed their decision. If you have submitted any supporting documents that were not part of your original planning application, you must also send these to the LPA with the appeal form. If you do not do this, we may not accept your appeal.

Completing the appeal form

The sections below follow the order of the advertisement consent appeal form.

Appellant details

Only the original applicant can appeal. So, all appeals must be in their name.

If you are not the original applicant (for instance, if you've recently bought the site) and want to appeal, you need written permission from the original applicant(s). This makes you responsible for any appeal-related costs. Write your name on the "Name" line, followed by "for", and then the original applicant's name. Send us the signed permission with your appeal form.

Agent details

You do not have to use an agent to handle your appeal. If you do decide to use an agent, they will probably complete the appeal form for you.

If you have an agent, we will send our communications to them. We will not send

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/advertisement-consent-appeals-guidance-appellants-html> for the latest version.

Get [information on copyright](#).

a copy to you. You should keep in touch with your agent as we will send the decision notice to them.

Local planning authority details

The details for your local planning authority will be included on any notice or any communication they send to you.

Appeal site address

If the appeal site does not have a postcode, please provide the postcode of the nearest building. Please also provide information to help us identify the site, e.g. a map or plan showing the site and at least 2 named or numbered local roads.

Description of the advertisement(s)

You need to provide details of the proposed advertisement(s). You should use the description from your original application form. If the description has been amended during the application stage, you can provide the updated description. Please enclose a copy of the LPA's agreement to the change the description of development.

Reason for the appeal

Select the reason for the appeal.

Full statement of case

You should provide reasons for the appeal here. If you wish to submit your statement of case as a separate document, please state this on the form. You must submit your full statement of case document at the same time as the appeal form. The information submitted with your appeal is your only opportunity to make your case on your reasons for the appeal.

You should explain why you disagree with the decision. As noted above, the only matters that can be considered when assessing an advert application are amenity and public safety.

Costs

If any party has acted unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal or application process, you can submit an application for costs. Before you submit an application for costs, please read our guidance on [costs](#).

Essential supporting documents

The appeal form lists the relevant essential supporting documents. Ensure that you have all of the documents listed available to submit with your appeal. You should confirm this on the appeal form by ticking the relevant boxes.

Please make sure that you have sent us everything. If not, this will cause a delay with your appeal whilst we request the missing documents from you. If all the documents are not submitted within the appeal deadline, your appeal may be turned away.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/advertisement-consent-appeals-guidance-appellants-html> for the latest version.

Get [information on copyright](#).

Please make sure that all the plans and drawings are drawn to an identified scale and, in the case of plans, show the direction of north. You should send us copies of all plans and drawings sent to the LPA with your application.

Check, confirm and date

Please check your completed form, then complete the relevant confirmation, and date it. We do not require a 'wet signature'.

Personal details

Complete this section with the personal details for the appellant and their agent (if appropriate). We will not make the personal details supplied on this page publicly available.

Further information

Electronic communications

If an appeal is made electronically (i.e. email, planning portal), it is taken that you agree to the use of electronic communication for the purposes of the appeal. You can withdraw your consent for electronic communication by notifying us in writing.

If you submit an appeal or any other document by electronic communication, that document will not be treated as lodged until it is:

- capable of being accessed by the recipient
- legible in all material respects

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/advertisement-consent-appeals-guidance-appellants-html> for the latest version.

Get [information on copyright](#).

- sufficiently permanent to be used for subsequent reference

This document may not be fully accessible.

For more information refer to our [accessibility statement](#).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/advertisement-consent-appeals-guidance-appellants-html> for the latest version.

Get [information on copyright](#).