

OXFORD DIOCESAN REGISTRY

16 Beaumont Street Oxford OX1 2LZ



Guidance Note

Works to or introduction of advertisements or signage in a churchyard

Control and consent

Advertisements - whether they are in a public space, a commercial building, or a residential property - are controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Under those Regulations, the display of advertisements require consent from the local planning authority before they are introduced; however, rather like the List A and List B provisions of the Faculty Jurisdiction Rules 2015, there are certain categories of *deemed consent* so long as the advertisements comply with certain conditions. Unless the proposed advertisements fall within one of these categories and meet all of the conditions, express advertisement consent will be required from the local planning authority.

Of the various categories of deemed consent set out in the Regulations, there are two which, in most circumstances, will apply to churches and churchyards: category 2A and category 2C.

Category 2A covers “advertisements displayed for the purposes of identification, direction or warning with respect to the land or building on which it is displayed”.

An advertisement falling into this category must:

- Not exceed 0.3m² in area;
- Not have any character or symbol on it which is more than 0.75m in height;
- Not be more than 4.6m above ground level;
- Not contain any illumination.

There is no limit on how many such advertisements are introduced.

If these conditions are met then an advertisement can be introduced without advertisement consent from the local planning authority. A faculty will also be required in any event.

Category 2C covers “advertisements relating to any institution of a religious character at the premises where it is displayed”.

An advertisement falling into this category must:

- Not exceed 1.2m² in area;
- Not have any character or symbol on it which is more than 0.75m in height;
- Not be more than 4.6m above ground level;
- Not contain any illumination.

Only one such advertisement is permitted, unless the premises have entrances on different road frontages. In those cases, up to two such advertisements are permitted as long as they are on different road frontages.

If these conditions are met then an advertisement can be introduced without advertisement consent from the local planning authority. A faculty will also be required in any event.

Areas of special control

If the churchyard is in an area designated by the local planning authority as being under “special control” the conditions for deemed consent are more restrictive (for example, no character or symbol can be more than 0.3m in height; and the advertisement cannot be more than 3.6m above ground level) in addition to specific regulations which the local planning authority might make for that area.

Petitioners should confirm with the local planning authority that the churchyard is not in such an area. Local planning authority websites do not always give this information and an email to the planning department will usually provide a response within a number of days.

Other categories of deemed consent

This note is merely a summary of what the Registry considers likely to be the most common categories of deemed consent – it is not a full statement of the law and petitioners should seek further legal advice where it is required.

There are other categories of deemed consent which might, in rarer situations, apply:

- category 2B (“An advertisement relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where it is displayed”);
- category 3C (“An advertisement relating to the carrying out of building or similar work on the land on which it is displayed,”);
- category 3D (“ An advertisement announcing any local event of a religious, educational, cultural, political, social or recreational character, or relating to any temporary matter in connection with an event or local activity of such a character”);
- categories 7A and 7B (“advertisements on flags”). In each case, there are conditions would need to be met before consent can be deemed.

Please note, the fact that consent may be deemed under the 2007 Regulations does not imply that deemed consent is also given under the faculty jurisdiction.

Relationship to the Faculty Jurisdiction

Advertisement consent (whether it is deemed under the Regulations or express from the local planning authority) is merely the first stage. A faculty will also be required in either case. Works to or the introduction of external signs, advertisements or noticeboards do not fall within List A or List B of the Faculty Jurisdiction Rules 2015.

It is expected that the issue of advertising consent under the 2007 Regulations will be considered and dealt with prior to applying for a faculty and so It is advisable to ascertain whether express consent is required at the earliest stage. It is the Incumbent and PCC’s responsibility to ensure that the 2007 Regulations are complied with; the DAC and Registry are not obliged to check (however, issues

might arise as part of the facilitation stages and before the application is considered by the Chancellor which require the DAC/Registry's input).

If the DAC or Registry consider that there is any doubt as to whether the proposals fall within a category of deemed consent, you may be required to provide written confirmation from the local planning authority either that advertisement consent is not required or that consent has been given before your application will be considered further.

Petitioners should be aware that the Chancellor might also give directions for such confirmation further down the line if he considers that such consent is necessary before a faculty can be granted.

Although these questions arise as a result of an application for a faculty, the 2007 Regulations are in the control of the local planning authority. Failure to comply with the Regulations is a criminal offence with a £2,500 fine and the PCC could be liable for this. The best way to avoid this liability is to verify the PCC's proposals with the local planning authority at the earliest opportunity.

Darren Oliver
Senior Associate, Winckworth Sherwood LLP
Solicitor and Deputy Registrar of the Diocese of Oxford

Diocesan Registry Faculties Clerk:

Ms Helen Lambourne | Email hlambourne@wslaw.co.uk | DT 01865 297208