

27 March 2009

David Prout Esq  
Executive Director,  
Planning and Borough Development  
Royal Borough of Kensington and Chelsea  
Kensington Town Hall  
Hornton Street  
London  
W8 7NX

Our Ref: PLANDC 009/005/0017

Your Ref:dpbd/eab/mw

Dear Mr Prout,

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)  
(ENGLAND) REGULATIONS 2007: ("the Regulations")  
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT**

1. I am directed by the Secretary of State to refer to the request made by the Royal Borough of Kensington and Chelsea ("the Council") on 8 September 2008 for a Direction that deemed consent for the display of estate agents' boards relating to the sale or letting of premises which are advertisements within Schedule 3, Part 1, Class 3A of the Regulations should not apply for a period of 10 years in all of the conservation areas to the north of Holland Park Avenue/Notting Hill Gate and in all areas to the south of Holland Park Avenue/Notting Hill Gate, within the Royal Borough of Kensington and Chelsea.
2. The Council's request for the making of the Direction was publicly advertised locally and in the local press and the London Gazette on 4 September 2008. The proposal has support from the Oakley Street Residents' Association, the Holland Park Residents' Association, the Kensington Square Residents' Association, residents of Linden Gardens, Holland Road and Kensington Square, the League of Friends of St Mary Abbots, the Garden Square News and the Notting Hill Gate Improvements Group. Objections to the Direction were received from Daylight Signs, F W Gapp, Bective Leslie Marsh and Hornton Court Services Limited. Consideration has been given to the report of the Secretary of State's Inspector, Malcolm Rowe, who inspected the areas in question.

**The proposed areas**

3. The proposed areas cover all conservation areas north of Holland Park Avenue/Notting Hill Gate and all areas south of Holland Park Avenue/Notting Hill Gate within the Royal Borough of Kensington and Chelsea and are identified on a map prepared by the Council.

### **The Council's reasons for making the application**

4. A survey undertaken by the Council since the lapse of the last Direction in 2004 indicated that the demand for the display of estate agents' boards had not diminished and was particularly strong in residential areas subject to multi-occupancy. The Council is concerned to safeguard the amenity and visual integrity of the Borough from the visual clutter associated with these boards.

### **Reasons for the Decision**

5. For ease of reference these reasons are set out in the same order as dealt with in the inspector's report.

### **Conservation Areas 9A – 9D inclusive**

#### **Kensington Square – Kensington Court – De Vere - Cornwall**

6. The previous Direction covered an area identified as Cornwall Gardens and neighbouring streets (bordered by Gloucester Road, Cromwell Road and Emperor's Gate). Once part of the original De Vere Conservation Area, it is now more readily identifiable as the Cornwall Conservation Area (9D on the Council's conservation area map). Cornwall Gardens and the adjoining streets are characterised by formal terraces where the uncontrolled display of boards would be particularly disruptive to the visual integrity of the street scene. The Inspector took the view that the Cornwall Conservation area should be covered by the new Direction. The Secretary of State agrees with the Inspector's conclusion that this conservation area should be covered by the new Direction.
7. However, the Inspector found little or no evidence of estate agents' boards in the architecturally more varied adjoining areas comprising Conservation Areas Nos. 9A-9C now identified as Kensington Square, Kensington Court and De Vere respectively and so the Inspector's view is that the Direction should not be extended to cover these conservation areas. The Secretary of State agrees with the Inspector's conclusions that the Direction should not cover these conservation areas.

#### **Conservation Area 2 – Norland**

8. This area includes the area covered by the previous Direction comprising the Royal Crescent, to the north of Holland Park Avenue. The area now includes most of Portland Road, St James's Gardens and St Anne's Villas. The Inspector found that the previous Direction had maintained the unspoilt elegance of the Royal Crescent and took the view that there was no evidence of materially changed circumstances including any reduction in the demand for boards in the Royal Crescent area. Apart from the Royal Crescent, the squares facing the gardens also present formal architectural elevations and the area has very formal terraced streets in many cases providing long range views. The conservation area contains a very high proportion of listed buildings. Although the Inspector reported that the problem of estate agents' boards was not widespread, in streets outside the previous Direction area, such as Queensdale Road, there were

significant clusters of 'To Let' boards, typically presented on posts or wall-mounted as projecting boards. Given the sensitivity of the townscape and the evident pressure to display boards immediately outside the previously controlled area the Inspector's view is that the whole of this small conservation area warrants inclusion in the new Direction. The Secretary of State agrees with the Inspector's conclusion that the whole of the Norland conservation area should be included in the new Direction.

#### **Conservation Area 10 – Queens Gate**

9. Another area covered by the previous Direction is part of the Queens Gate Conservation Area. The area contains a significant number of residential terraces. It also takes in several mews streets which, although now in a mix of uses, still provide a significant degree of residential accommodation. The inspector found little evidence of problems caused by estate agents' boards in this area or in the small part of the conservation area to the south of Cromwell Road or in the "museum" area to the east of Queens Gate, an area that, however, includes nationally important buildings requiring special amenity measures to protect their setting. The Inspector took the view that the previous Direction had preserved by the visual amenity of its area and that the new Direction should now cover the whole of the Queens Gate Conservation Area. The Secretary of State agrees with the Inspector's conclusion that the whole of the Queens Gate conservation area should be covered by the new Direction.

#### **Conservation Area 1 – Oxford Gardens**

10. This Conservation area includes an area that was identified as the eastern part of the Oxford Gardens/St. Quintins Conservation Area and was covered by the previous Direction. This conservation area contains few listed buildings, but it includes a mix of architectural styles, many of Victorian origin. The area is mainly residential and a high proportion of the larger dwellings are conspicuously in multi-occupancy. The Inspector found that this has resulted in several board displays creating an unsightly, cluttered appearance which, given the nature of the property tenure would be difficult to monitor effectively without exceptional measures. Another feature of the area is long straight, parallel streets in which the impact of even a few boards would have a disproportionately adverse impact on local visual amenity. The Inspector's view, therefore, is that the new Direction should cover this area. The Secretary of State agrees with Inspector's conclusion that the Oxford Gardens conservation area should be covered by the new Direction.

#### **Conservation Areas 11 (A-D)**

**Earls Court Village – Courtfield – Earl's Court Square – Neverne Square**

**Conservation Area 26 – Philbeach**

**Conservation Area 12 – The Boltons**

**Conservation Area 13A – Thurloe/Smith's Charity (Part)**

11. The previous Direction also covered a large area bordered by West Cromwell Road/Cromwell Road to the north, Queen's Gate to the east, Fulham Road to the south, and West Brompton Cemetery and the Earls Court Exhibition Centre to the west. This now includes the Philbeach Conservation Area (No. 26) based on the crescents to the north and south of the Exhibition Centre; the whole of conservation area No. 11 and The Boltons (No. 12). Its extension eastwards took in the southern part of the Queens Gate Conservation Area and the western end of Conservation Area 13A Thurloe/Smith's Charity. It also included some of the "islands" outside the current conservation areas; the eastern end of Courtfield Road up to Gloucester Road; and Rosary Gardens/Brechin Place.
12. These areas are mainly residential in character and the majority of the larger houses in the core areas have been converted to flats. And although the Inspector saw no intrusive evidence of estate agents' boards, he took the view that the visual integrity of these areas should be underpinned by their being included in the new Direction. The Secretary of State agrees with the conclusion of the Inspector that these areas should be covered by the new Direction.

### **Conservation Area 3 – Ladbroke**

13. The previous Direction covered the whole of this conservation area which includes Ladbroke Grove. The area is mainly residential with many of the larger dwelling-houses now apparently sub-divided and in multi-occupation for residential purposes. The Inspector reported that the display of estate agents' boards is not a widespread problem, and was largely contained on the outer fringe of the Conservation Area in locations such as Clarendon Road and Cornwall Crescent. However, he took the view that even a few boards would have a disproportionately disruptive impact on the elegant residential terraces and crescents at the core of the conservation area. He also judged that the legacy of stricter control from the previous Direction had helped to preserve the visual integrity of the designated area and his view is that the whole of the Ladbroke Conservation Area should be included within the area covered by the Direction now being sought. The Secretary of State agrees with the conclusion of the Inspector that the whole of this conservation area should be covered by the new Direction.

### **Conservation Area 5 – Holland Park (and Holland Road)**

14. Similar considerations apply to Holland Road. Only part of the eastern side of Holland Road is within the current conservation area but virtually the whole road was included in the previous Direction. The Inspector took the view that the proposed Direction should cover the whole of Holland Road in order to maintain the uniformity of the residential terraces in the road. The Secretary of State agrees with the conclusion of the Inspector that the whole of Holland Road should be covered by the new Direction.
15. The conservation area itself is generally very fine in architectural terms with many statutory listed buildings to the north of Holland Park. However the Inspector saw little evidence of larger dwellings in multi-occupancy and the Council has provided none to back its case. The Inspector noted unsightly clusters of boards, notably on Holland Park Avenue directly opposite the tube station and further to

the south at the corner of Abbotsbury Road and Oakwood Court. However, he took the view that these were examples of unlawful displays aimed at promoting estate agencies in competition with one another rather than individual properties for sale or let and that the Council has existing powers to control such displays. The Inspector also noted that the Council had other powers to control the display of boards on statutory listed dwellings. In those cases, even where estate agents rely on the 'deemed consent' provisions of Class 3A, they cannot lawfully display boards without first obtaining a separate listed building consent (as is the case with any advertisement display on a listed building even where an 'express consent' has been granted). He went on to suggest that the Council could use an informal enabling system, based for example on a 'voluntary code' of practice, whereby local estate agents would agree to severely limited and less obtrusive displays which the Council could easily monitor. The Inspector indicated that there was no evidence that the Council had explored such alternative measures and his view is that the Council had not made a convincing case for extending the direction to cover the whole of the Holland Park Conservation Area. The Secretary of State agrees with the conclusion of the Inspector that this conservation area should not be covered by the new Direction.

#### **Conservation Area 4 – Pembridge**

16. This comparatively small conservation area is to the east of the Ladbroke Conservation Area. The area is mainly residential with evidence of multi-occupancy of the larger dwellings.
17. The Council's own survey in May 2008 had identified a proliferation of boards in Linden Gardens. The Inspector found that the problem of board displays is not widespread in the area but did find significant clusters of boards in Pembridge Villas and Pembridge Gardens. He took the view that the Council would not be able to effectively control the proliferation of boards, with the resultant significant detriment to local visual amenity, using existing powers and so the use of a new Regulation 7 Direction to cover the whole of the Pembridge Conservation Area is justified. The Secretary of State agrees with the conclusion of the Inspector that the whole of the Pembridge Conservation Area should be covered by the new Direction.

#### **Conservation Area 6 - Kensington**

18. The Inspector found significant pressure for the display of estate agents' boards within this conservation area. The clusters were less obvious but still intrusive within the area identified by the Inspector as the 'Phillimores' to the west of Kensington Town Hall. The number of boards increased and their unsightly impact intensified towards the eastern end of the conservation area.
19. As in many other parts of the Borough, the Inspector found that most of the boards were mounted on tall posts, tied to railings, and set prominently at right angles to the public footpath. A number of streets such as Hornton Street, Gloucester Walk, Campden Grove and Gordon Place had been spoiled by the presence of display boards. The Inspector took the view that exceptional measures are required and that the use of the new Regulation 7 Direction to cover the whole of the Kensington Conservation Area was justified. The

Secretary of State agrees with the conclusion of the Inspector that the whole of this conservation area should be covered by the new Direction.

### **Conservation Area 7 – Kensington Palace**

20. The Council's own survey had found evidence of boards on Carlyle Mansions in May 2008. However, the Inspector found very little evidence of any exceptional pressure for estate agents' boards within Kensington Palace Conservation Area as a whole. The Inspector was of the opinion that the Council has adequate existing powers to control any small 'hotspots' where the temporary display of boards becomes excessive and that the extension of the new Direction to cover this conservation area was not justified. The Secretary of State agrees with the conclusion of the Inspector that this conservation area should not be covered by the new Direction.

### **Conservation Area 8 – Edwardes Square/Scarsdale and Abingdon**

#### **Conservation Area 27 – Lexham**

**(and associated 'islands')**

21. The Edwardes Square/Scarsdale and Abingdon Conservation Area is broadly to the south of Kensington High Street. The Inspector found a proliferation of board displays adversely affected a range of vistas and street scenes. He also found several boards in the streets off Allen Street such as Abingdon Road and Stratford Road. Clusters of boards also spoiled more concentrated views such as those in Adam and Eve Mews and short *culs de sac* such as Blithfield Street. In the smaller Lexham Conservation Area (No.27) there were also clusters of boards and several boards in Marloes Road.

22. In view of the exceptional pressure for boards in these areas, the Inspector proposes that the new Direction should cover the whole of conservation areas Nos. 8 and 27, the two 'island' sites comprising the area at the northern end of Earls Court Road bordering Kensington High Street which is enveloped by Conservation Area No. 8, plus the area to the east of Conservation Areas Nos. 8 and 27 up to the western boundary of Conservation Areas Nos. 9A, 9C and 9D. The Secretary of State agrees with the conclusion of the Inspector that these two conservation areas and associated island sites should be covered by the new Direction.

### **Conservation Area 13A – Thurloe/Smiths Charity (remainder)**

#### **Conservation Area 13B – Brompton**

23. Apart from a small cluster of 'to let' boards in Yeomans Row, the Inspector found little or no evidence of boards in that part of the Thurloe/Smiths Charity Conservation Area (No. 13A) broadly to the east of Onslow Gardens and bordered by Old Brompton Road, Fulham Road and Brompton Road. He also found little evidence of board displays in Conservation Area 13B, Brompton. The Inspectors' view is that the new Direction should not cover the remainder of Conservation Area 13A and Conservation Area 13B. The Secretary of State

agrees with the conclusion of the Inspector that these conservation areas should not be covered by the new Direction.

#### **Conservation Area 14A – Hans Town**

#### **Conservation Area 14B – Sloane Square**

24. The Inspector found little or no evidence of estate agents' boards in these conservation areas at the eastern end of the Borough. The few boards present in the area had little impact on the wider street scene. The Inspector's view, therefore, is that the new Direction should not cover Conservation Areas 14A and 14B. The Secretary of State agrees with the conclusion of the Inspector that these conservation areas should not be covered by the new Direction.

#### **Conservation Area 15 – The Billings**

#### **Conservation Area 24 – Avondale Park Gardens**

25. These conservation areas are based on small and effectively self-contained residential enclaves. In amenity terms both areas are attractive in their own right. However, the Inspector found no obvious indications that the dwellings have been sub-divided into flats. Moreover, he took the view that the Council had produced no evidence that its existing powers to control the display of estate agents' boards within these areas were inadequate and that the new Direction should not cover these conservation areas. The Secretary of State agrees with the conclusion of the Inspector that these conservation areas should not be covered by the new Direction.

#### **Conservation Area 22 – Kensal Green Cemetery**

#### **Conservation Area 23 – Brompton Cemetery**

#### **Conservation Area 25 – The College of St Mark and St John**

26. The Inspector saw no estate agents boards in these areas and he had not been provided with evidence from the Council demonstrating that these conservation areas are likely to be adversely affected by the display of estate agents' boards. The Inspector's view is that the new Direction should not cover these conservation areas. The Secretary of State agrees with the conclusion of the Inspector that these conservation areas should not be covered by the new Direction.

#### **Conservation Area 16 – Sloane/Stanley**

27. This was originally a compact mainly residential conservation area of homogenous late Victorian character based on Limerston Street and the streets in grid pattern immediately to the west. Much of that character survives in the form of 4/5 storey terraces but the designated area now extends westwards to include the main one-way (north-south) traffic routes of Gunter Grove and Edith Grove.

28. The Inspector reported that the amenity of the area was spoiled by the apparently indiscriminate display of boards, mostly letting but some sale boards, along the main traffic routes and on the uniform terraces of Limerston Street. The number of boards and their insensitive siting has a dramatically adverse impact on the townscape and so the Inspectors view that the new Direction should cover the whole of this small conservation area is justified. However, as the adjoining 'islands' accommodate mainly non-residential uses, the Inspector's view is that these 'islands' should not be covered. The Secretary of State agrees with the conclusion of the Inspector that the new Direction should cover the whole of conservation area 16 and that it should not cover the adjoining island areas.

#### **Conservation Area 17 – Chelsea Park/Carlyle**

29. This conservation area is immediately to the east of Sloane/Stanley. The Inspector reported some fourteen boards in Beaufort Street that spoiled the view of imposing terraces. He reported that several to-let boards also spoiled the more intimate, mews-style setting in Elm Park Lane off Elm Park Road. The Inspector acknowledged that board displays were rather less intrusive within the eastern part of the conservation area but found small but significant clusters of boards in parts of the conservation area which would be difficult to 'police' in a meaningful way without a disproportionate allocation of Council resources. The Inspector's view is that the new Direction should cover the whole of this conservation area. The Secretary of State agrees with the conclusion of the Inspector that the new Direction should cover the whole of this conservation area.

#### **Conservation Area 18 – Chelsea (and Sydney Street)**

30. The Inspector found that there was no particular problem with the display of estate agents' boards in the 'detached' northern part of this conservation area. However, board displays were numerous and intrusive within the generally tighter-knit environment comprising the small-scale streets of mainly residential character running north off Kings Road including the southern end of Anderson Street and within the streets leading off Anderson Street. The nature of the townscape is such that the display of board signs without proper consideration of their cumulative impact would have a very dramatic adverse impact on the character and appearance of these parts of the conservation area.

31. Sydney Street provides comparatively open, long range views of generally imposing dwellings. It appears to contain some of the conservation area's grandest development and although the buildings vary in quality, the street as a whole presents a notable vista of formal residential terraces. The Inspector reported that many of the buildings have apparently been sub-divided to provide flatted residential accommodation. This had caused significant pressure for the display of estate agents' to-let boards.

32. The Inspector's view is that the new Direction should only apply to the two southern parts of the Chelsea Conservation Area and to the whole of Sydney Street in the interests of preserving and enhancing its character and appearance. It is also his view that it should not cover the detached northern part of the Chelsea Conservation Area. The Secretary of State agrees with the conclusions



of the Inspector that only the two southern parts of the Chelsea Conservation Area and the whole of Sydney Street should be covered by the new Direction.

### **Conservation Area 19 – Cheyne**

33. The Inspector reported that there were twenty one estate agents' boards in Oakley Street, the principal north-south route through the Cheyne area. The street includes a series of formal terraces, notably in the late Georgian style. The boards had a very disruptive effect on the amenity of the street scene and were particularly harmful to the architectural rhythm of the formal frontages. However, there were very few boards in the more intimate streets running off it and south to the Thames. The Inspector took the view that the new Direction should cover both sides of Oakley Street for its entire length but that it should not cover the remainder of the Cheyne Conservation Area. The Secretary of State agrees with the conclusions of the Inspector in relation to the Cheyne conservation area and Oakley Street.

### **Conservation Area 20 – Royal Hospital**

34. The Inspector reported that in the main thoroughfare of this area, Royal Hospital Road, there were just a few unobtrusive boards. However, there were many boards in unsightly clusters on several roads off the main thoroughfare, notably Tite Street, Paradise Walk and Christchurch Street. There were also clusters of letting boards in Redburn Street/Tedworth Square, Redesdale Street and at the top end of Radnor Walk near its junction with Kings Road.

35. A number of these streets show architectural uniformity which in the past has been under pressure from piecemeal change. The Inspector took the view that the efforts being made to redress this and to ensure that any change contributes to the character and appearance of the conservation area would be compromised by the uncontrolled display of estate agents' boards. The Inspector's view is that the whole of the Royal Hospital Conservation Area should be covered by the new Direction. The Secretary of State agrees with the conclusions of the Inspector that the new Direction should cover the whole of the Royal Hospital Conservation area.

### **Conservation Area 21 – Thames**

36. This conservation area includes properties near the river and this is potentially a very sensitive area. However, the Inspector saw no evidence that existing controls were not working adequately in terms of protecting the character and appearance of the conservation area and so his view is that the new Direction should not apply to this area. The Secretary of State agrees with the conclusion of the Inspector that this conservation area should not be covered by the new Direction.

### **Conservation Area 28 – Colville**

37. This conservation area is in the 'northern' part of the Borough as delineated by Holland Park Avenue/Notting Hill Gate. The Inspector found significant concentrations of estate agents' boards in this area, particularly in Colville

Terrace, Colville Road and Lonsdale Road that had a significant impact on elegant residential terraces, the street scene and the conservation area as a whole. The Inspector's view is that the new Direction should cover this conservation area. The Secretary of State agrees with conclusions of the Inspector that this conservation area should be covered by the new Direction.

### **Conclusion**

38. The Inspector found that gross visual intrusion has occurred or is likely to occur from estate agents' residential letting and sale boards within many of the areas to be covered by the proposed Direction and that this can only be properly addressed by the special protection afforded by the Direction.

### **Formal decision**

39. The Secretary of State accepts the conclusions and recommendations made by the Inspector set out in paragraphs 6-38 above. The Secretary of State therefore agrees that a Direction should be made in the terms specified by the Inspector to control the display of advertisements relating to the sale or letting of residential buildings or land within the areas identified below for a period of ten years.

Conservation Area 1 – Oxford Gardens

Conservation Area 2 – Norland

Conservation Area 3 – Ladbrooke

Conservation Area 4 – Pembridge

Conservation Area 6 – Kensington

Conservation Area 8 – Edwardes Square/Scarsdale and Abingdon

The 'island' area at the northern end of Earls Court Road bordering Kensington High Street enveloped by Conservation Area 8

The 'island' area to the east of Conservation Areas 8 and 27 up to the western boundary of Conservation Areas 9A, 9C, 9D and the southern boundary of Conservation Area 6

Conservation Area 9D – Cornwall

Conservation Area 10 – Queens Gate

Conservation Area 11 (A-D) – Earls Court Village – Courtfield – Earl's Court Square – Neverne Square, and two associated island areas: the area delineated by and including Courtfield Road, the south side of Cromwell Road (between and including the eastern side of Ashburn Gardens and western side of Gloucester Road) and including that part of Ashburn Place and Harrington Gardens between conservation areas 11B and 10. Also the island area enclosed by conservation areas 10, 11B, 12 and 13A that includes Rosary Gardens, Brechin Place and the Old Brompton Road.

Conservation Area 12 – The Boltons

Conservation Area 13A – Thurloe/Smiths Charity part (western part, bounded by and including Onslow Gardens (running north-south) and including Selwood Terrace between Old Brompton Road and Fulham Road)

Conservation Area 16 – Sloane/Stanley

Conservation Area 17 – Chelsea Park/Carlyle

Conservation Area 18 – Chelsea (two southern parts only)

Sydney Street on both sides (entire length)

Cheyne Conservation Area 19 – only Oakley Street on both sides

Conservation Area 20 – Royal Hospital

Conservation Area 26 – Philbeach

Conservation Area 27 – Lexham

Conservation Area 28 – Colville; and

Holland Road on both sides (as in the previous Order).

40. The Council is now invited to prepare a revised map as detailed above for approval and authorisation by the Secretary of State. A formal Direction to this effect will then be sent to the Council. The Council's attention is drawn to the provisions of Regulation 7(7), which specify the procedure for publishing the effect and date of operation of the Direction.

41. When this Direction is brought into effect, the display of estate agents' boards may only be undertaken lawfully in the areas specified in paragraph 39 when the Council have granted express consent for the display. In order not to prejudice the interests of persons wishing to display advertisements for property sales or lettings, the Council are invited to ensure that any such applications for express consent are decided within the period specified in Regulation 14(1) of the Regulations and they are asked to confirm that they have systems and procedures in place to deal with any additional applications for express consent.

### **Right of Appeal against the Decision**

42. A separate note is attached to this letter setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Robert Segall', with a long horizontal flourish extending to the right.

**Robert Segall**

Authorised by the Secretary of State to sign on that behalf

Department for Communities and Local Government  
Eland House  
Bressenden Place  
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SW1E 5DU

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)  
(ENGLAND) REGULATIONS 2007  
APPLICATIONS TO THE HIGH COURT**

1. Under the provisions of section 288 of the Town and Country Planning Act 1990 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date of the accompanying letter.
2. The grounds upon which an application may be made to the Court are:
  - a) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded her powers); or
  - b) that any of the relevant requirements have not been complied with, and that the applicant's interests have been substantially prejudiced by the failure to comply.
3. The "relevant requirements" are defined in section 288 of the Act as any requirements of that Act and the Tribunals and Inquiries Act 1992, or of any order, regulations or rules made under either Act which are applicable (s.288(9)). These include the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (SI 2007 No. 783) and the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (SI 2000 No. 1624).
4. A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

**INSPECTION OF DOCUMENTS – APPLICABLE ONLY TO APPEALS WHICH WERE THE SUBJECT OF A HEARING**

5. Under the provisions of Rule 15(4) and (5) of the Town and Country Planning (Hearings Procedure) (England) Rules 2000 (SI 2000 No. 1626), any person entitled to be notified of the decision given in the letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision or the supply to him of the report, whichever is the later, for the opportunity of inspecting any documents, photographs and plans appended to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least three days' notice should be given, if possible.