

**Case Name:** *Putney Bridge Approach Ltd v The Secretary of State for Communities And Local Government & Anor* [2018] EWCA Civ 2268 (19 October 2018)

**Full case:** [Click Here](#)

**Commentary:** Dismissal of an appeal at the Court of Appeal against a Discontinuance Notice (“DN”) served pursuant to Regulation 8 (Control of Advertisements) (England) Regulations 2007 (the “2007 Regulations”) requiring the appellant owner of an office building to discontinue the use of the site for the display of illuminated advertisements.

The appellant argued that the inspector erred in law as she failed to apply the test set out in Regulation 8(1) of the 2007 Regulations as for a DN to be valid the LPA (and subsequently the inspector) had to be satisfied that there were no possible advertisement that could be displayed on the site without causing substantial injury to the amenity of the locality. The appellant argued that the test for service of a notice under Regulation 8 was whether the prevention of the display of ‘any’ form of illuminated advertisement was necessary to remedy a substantial injury to the amenity of the locality.

It was held that this interpretation was incorrect. Regulation 8 is clear that a DN brings to an end “deemed consent” only. It has no effect on “express consent”. The DN brought to an end the LPA’s deemed consent to the advertisements on the site – it did not prevent the appellant from making an application for express consent in relation to any other specific advertisement and was therefore not intended to prevent any and all advertisements. Further as a matter of planning law and practicality it is wrong to suggest that the LPA or the inspector were required to consider every potential advertisement that could be erected within the building and to ask whether that hypothetical advertisement would or might give rise to a substantial injury to the amenity of the locality.

*Case summary prepared by Town Legal LLP*