

# Signage on commercial property: Important information

Whether it be a shop, office, factory, or warehouse facility, the majority of businesses require signage to help people find their premises easily. However, many business owners overlook that there are rules to follow. Tenant signage and advertising rights can be one of the greatest sources of disputes in commercial property leases.

A good place to start is to consider whether you need to ask for anybody's permission to put your signs. Whether you need consent to display advertising will depend on:

1. Any Local Authority and planning requirements – planning departments will have different rules as to what is and is not permitted, so you must check with your local council. Some signs do not require planning at all. Some areas have strict planning rules, as do some properties.
2. Your proposed display – does it fall within one of the sixteen categories of signs that do not formally require planning consent? This is commonly known as 'deemed consent.'
3. Your lease – if you are a tenant, your landlord may impose restrictions and you may have to ask for their consent first.

## What is deemed consent?

Deemed consent is granted to advertisements of certain classes. What this means is that, provided your advertisement falls within one of those classes, you automatically have the consent required by the local authority to display your signs. You must, however, follow the additional rules under that particular category (for example, with regards to sizing requirements). Where you have deemed consent, you will not need further consent from the planning authorities.

Exception – if you are planning to display a sign within an Area of Special Control of Advertisement. Stricter controls may operate in these areas due to their scenic, historical or architectural features.

If you are unsure whether your proposed sign falls within a 'specified class,' it is best to consult the planning authority or your solicitor.

## What types of advertisement have deemed consent?

These are listed in the The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Out of the 16 categories, we have listed the most relevant to commercial property occupants. To fully check your obligations under each class, the Regulations provide further information.

#### **Class 4: illuminated adverts on business premises**

For example, a sign with illuminated letters/characters displayed at the front of a shop in a retail park or a sign lit by 'halo' illumination.

However, the sign must not have any intermittent light source, moving feature or animation. In a shop, an illuminated sign may only be displayed on the wall with a shop window.

#### **Class 5: advertisements on business premises**

Class five gives consent for a wide variety of notices, signs and advertisements which draw attention to the commercial services available on the premises (for example, goods for sale).

'Business premises' means any building in which professional, commercial or industrial activity takes place. This includes office buildings, supermarkets, theatres, bingo halls, vehicle showrooms and restaurants.

Importantly, class 5 only permits advertisements for the goods/services available at the premises. This means advertisements which refer to:

- The goods for sale or the services available
- The name and qualifications of the firm or person providing the services

If the premises in question is a shop, an advertisement is permitted to be displayed only on an external wall which has a shop window in it.

#### **Class 6: an advertisement on a forecourt of business premises**

Where business premises have a forecourt, class 6 permits the display of advertisements allowed in class 5.

A forecourt for the purposes of class 6 would include, for example:

- A terrace in front of a café
- The enclosed area in front of a newsagents or tobacconist's shop

Importantly, it does not cover pavements in front of premises as this forms part of the highway. Additionally, to qualify for class 6, signs and advertisements must be at ground level and must not be illuminated.

#### **Class 12: advertisements inside buildings**

The advertisement inside the building may be seen from the outside. However, the advertisements must be within one metre of any window or other external opening through which they can be seen from the outside.

Advertisements displayed may be illuminated (for example, a sign in the window of a pharmacy).

## Lease restrictions

Although you may have 'deemed consent' from the local authority and council, do not simply assume you can put up your sign without first consulting your landlord. Beware of your obligations under your lease.

Common clauses in commercial leases include the requirement that signs must be approved in advance by the landlord and permit the landlord to take down any offending advertisement or sign that it has not approved.

Where your landlord's consent is required, it is best to write to them advising them of your intention to put up your sign and give them full information with respect to dimensions, wording and colour.

Note, if your lease is silent on the issue of signage do not assume this means you are able to put up the signs. It is always best to check with your landlord or, if you are in an estate with other properties, the managing agents.