
Appeal Decision

Site visit made on 9 January 2017

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th January 2017

Appeal Ref: APP/F1040/Z/16/3163329

464 Burton Road, Midway, Swadlincote, Derbyshire, DE11 0DW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr David Sheridan against the decision of South Derbyshire District Council.
 - The application Ref: 9/2016/0655 dated 24 June 2016 was refused by notice dated 19 October 2016.
 - The advertisement proposed is "1 No advertising board".
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Decision

1. The appeal is allowed and express consent is granted for the display of 1 No advertising board. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:
 - 1) This consent shall relate to the display of 1 No advertising board only, in accordance with the details shown on the revised location plan and accompanying letter of clarification received by the local planning authority on 4 October 2016.

Procedural Matters

2. During the application process the proposal was amended to one advertising board (from the two originally proposed) but with the scope to locate it on alternative locations on either side of the drive access. I am satisfied that the interests of third parties would not be prejudiced by this amendment and have considered the appeal on this basis.
3. I have based the description of the proposal on the wording given in the Council's decision notice. Although it differs from that given on the application form I consider it more accurately and precisely describes the proposal. However, it refers to 'retention of 1 No advertising board', which is incorrect as the advertisement was not in place at the date of my site visit.
4. I am also dealing with another appeal by the same appellant at this address, but for a different proposal (erection of a detached dwelling - Ref: APP/F1040/W/16/3159335). The two appeals are not connected in any way and are the subject of separate decisions.

Main Issue

5. I consider the one main issue in this case is the effect of the proposed sign on the visual amenity of the area.

Reasons

6. The proposal is for the erection of a free-standing advertising board (non-illuminated) with the flexibility for it to be positioned on either side of the driveway entrance to the appellant's home as required. The sign would be about 1.23m high and 0.64m wide, having aluminium frame raised above ground with the advertisement displayed behind a transparent Perspex sheet. In effect it would be one half of the "A" frame board previously displayed. The sign is intended to advertise the appellant's own professional business, and I understand the display material would be changed periodically.
7. Section 67 of the *National Planning Policy Framework* says poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. However, it adds that only those advertisements which will clearly have an appreciable impact on a building or their surroundings should be subject to the local planning authority's detailed assessment.
8. The Council has referred to a number of policies from the *South Derbyshire Local Plan Part 1*, adopted June 2016, and Policy BNE9 of the emerging *South Derbyshire Local Plan Part 2* (LP). Reference has also been made to the Council's *Supplementary Planning Guidance: The Display of Advertisements* (SPG). Of these, the SPG is most directly relevant. Paragraph 4.2 states that in most cases consent will be granted for free-standing "A" boards where they would not have a detrimental impact on visual amenity or historic character by creating an impression of clutter.
9. Whilst LP policies and the SPG may be relevant, powers under the Regulations require decisions to be made only in the interests of amenity and, where applicable, public safety. I have taken these policies and guidance into account as a material consideration, but they are not a determining factor in this case, which I have considered in the light of Section 67 of the *National Planning Policy Framework* and the *Town and Country Planning (Control of Advertisements) (England) Regulations 2007*.
10. In this case I do not agree with the Council that the size of the sign is excessive, particularly in comparison with what could be erected without the need for express consent (such as an estate agent's board for example). Nor do I consider the materials or colour to be offensive or out of keeping in any way. In my view the sign would not be unduly dominant or result in unacceptable clutter. Whilst this is predominantly a residential area, the site is nonetheless located on a busy main road with other businesses nearby displaying a wide variety of advertising material. The site is not within a conservation area or stated to be of any notable townscape quality, and the presence of many other signs and various commercial operations nearby (including a large supermarket) has partly influenced my reasoning.
11. Each proposal must be considered on its own merits, and the appropriate amenity test is not whether an advertisement would positively contribute to the amenity of an area, but rather whether it would detract from it. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the display of the proposed sign would not be harmful to interests of amenity, and should be permitted.

Nigel Harrison INSPECTOR