
Appeal Decision

Site visit made on 3 January 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 23 January 2017

Appeal Ref: APP/U2235/Z/16/3157437

Staplehurst Nurseries, Clapper Lane, Staplehurst, Kent TN12 0JT

- 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 Marcel Franke against the decision of Maidstone Borough Council.
 - The application Ref 16/504625/ADV, dated 16 May 2016, was refused by notice dated 2 August 2016.
 - The advertisement proposed is 2 No. non-illuminated timber-mounted boards.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. In the interests of clarity the description of the application given above is based on that used in the Council's decision notice.
3. I saw on my site visit that the advertisement boards had been erected and displayed.

Main Issue

4. The main issue is the effect of the advertisements on the character and appearance of the area.

Reasons

5. The two advertisement boards are located on either side of Clapper Lane at its junction with the A229 Maidstone Road to the north of Staplehurst. The single sided boards are about 1.5 m high and 1.5 m wide, with black lettering on a green background, and are mounted on timber posts to be visible above a low fence that marks the highway boundary. The boards are angled towards the junction and appear to be erected on private land. They advertise a café which forms part of the Staplehurst Nurseries site some distance down Clapper Lane.
6. The appeal site lies within the open countryside, with the road frontages for the most part lined with trees and hedgerows. There is a scatter of built development in the vicinity including a residential property to one side of the junction, but the area as a whole has an attractive, unspoilt rural character.
7. In this rural context the two advertisement boards, because of their size and prominent location, appear visually intrusive and cause significant harm to the character and appearance of the area. The applicant and an interested party

both indicate that the signs replaced two that were previously in the same location. Whilst the applicant claims that the new signs are marginally smaller, the other party states that the previous signs were smaller, being only about 1 m square. In any event, the new signs are subject to advertisement control and harm the visual amenity of the area. As such, the previous signs do not constitute an argument in favour of the current scheme.

8. The appellant points out that there are two large advertisement signs not far away along the A229 to the north and south of Staplehurst and these were seen during the site visit. Whilst equally if not more prominent than the appeal scheme, the Advertisement Regulations allow me, when considering a proposal, to disregard any other advertisements in the area. In any event, the existence of these signs does not justify two further prominent and intrusive advertisements along this stretch of road.
9. The Council have drawn my attention to Policies ENV8 and ENV28 of the Maidstone Borough Wide Local Plan 2000 and Policy DM19 of the emerging Maidstone Borough Local Plan which seek to control advertisements and protect the character and appearance of the countryside. These are material considerations in the determination of the appeal, but not decisive in themselves as the powers to control advertisements under the regulations can only be exercised in the interests of amenity and public safety.
10. Paragraph 67 of the National Planning Policy Framework advises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Due to their size and location, this is the case in respect of the two advertisements which are the subject of this appeal.

Conclusion

11. Having regard to the above, in the interests of amenity, the appeal should be dismissed.

David Reed

INSPECTOR