



Appeal Decision

Site visit made on 14 August 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 29 August 2017

Appeal Ref: APP/N2739/Z/17/3179124

Sales Area, Ceretic Park, East of Low Street, Sherburn in Elmet

- 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 Craig Woolmer (Persimmon Homes (Yorkshire) Ltd) against the decision of Selby District Council.
 - The application Ref 2016/1429/ADV (8/58/675BE/AA), dated 1 December 2016, was refused by notice dated 12 May 2017.
 - The advertisements are described as "Free-standing Welcome to Ceretic Park sign, Free-standing Home Change sign (2 signs mounted in a V shape), Free-standing Part Exchange sign (2 signs mounted in a V shape), Free-standing Help to Buy sign (2 signs mounted in a V shape), Free-standing Opening Times sign (2 signs mounted in a V shape), Free-standing Ceretic Park sign (2 signs mounted in a V shape), Free-standing Welcome to Ceretic Park hoarding to Low Street, Free-standing Welcome to Ceretic Park sign at entrance, Free-standing Customer Parking sign at entrance, Welcome to Ceretic Park Marketing Suite Fascia Panel, Welcome to Ceretic Park (3m x 2m) fascia panel, Welcome to Ceretic Park (4m x 1.5m) fascia panel, Free-standing Ceretic Park Site Layout Sign, 9 x Flags mounted to pole."
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Decision

1. The appeal is allowed and express consent is granted for the display of 1No. fence mounted sign and 2No. free-standing signs. 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.

Procedural Matters

2. The description of the advertisements in the heading above is taken from the application form. The proposal was amended during consideration of the application. The advertisements for which consent was sought were 4No. free-standing signs, 2No. fascia signs, 9No. flag signs, 1No. wall mounted sign and 1No. fence mounted sign. The Council considered the proposal on this basis. The signs have been installed.
3. The Council has issued a split decision notice, granting express consent for a number of the signs and flags but refusing consent for 1No. fence mounted sign and 2No. free standing signs. I shall refer only to the signs for which consent was refused in reaching my decision.

Main Issue

4. The main issue is the effect of the signs on the visual amenity of the area.

Reasons

5. The appeal site forms the frontage of a residential development which faces onto Low Street. It comprises the sales/marketing suite and show home for the site. There is an area of tarmac within the site which provides parking for visitors to the sales/marketing suite and a turning area. The signs subject to this appeal comprise a fence mounted sign which is mounted on the fence which forms the northern boundary of the site and two free-standing signs which are sited to the west of the fence mounted sign on the grass verge to the north of the parking bays. The fence mounted sign measures about 1.5m in depth and 4m in width, one of the free-standing signs measures about 1.2m in depth and 1m in width, attached to 2.5m high posts whilst the other measures about 0.9m in depth and 0.6m in width, attached to 1.8m high posts.
6. The signs subject to this appeal are similar in their designs and materials to those which the Council has granted consent for on the appeal site. Therefore, I see no reason to conclude that they should be any less appropriate in these respects. Furthermore, they are largely obscured from view from Low Street by the fence along the northern boundary of the site and the mature hedgerow which forms its western boundary and extends along the frontage of the residential development site with Low Street. Notwithstanding that the three signs are located in the northern area of the site they do not create an unduly visually cluttered appearance nor do they have an adverse impact on the character and form of the locality, when viewed from Low Street, as contended by the Council. Having regard to all of the above therefore, I conclude that the signs do not harm the visual amenity of the area.
7. The Council refers to policy ENV1 of the Selby District Local Plan 2005 (LP) and policy SP19 of the Selby District Core Strategy Local Plan 2013 (CS) which respectively seek to ensure that account is taken of the effect of a proposal upon the character of the area and that development does not compromise local distinctiveness, character and form. The Town and Country Planning (Control of Advertisements) Regulations (England) 2007 (the Regulations) and the National Planning Policy Framework require that control over advertisements should only be in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. I have taken into account policy ENV1 of the LP and policy SP19 of the CS in so far as they are material in this case. However, given that I have concluded that the signs do not harm amenity, they do not conflict with these policies.
8. For the reasons set out above I conclude that the appeal should be allowed subject to the five standard conditions set out in Schedule 2 of the Regulations. It is not necessary to impose the plans condition as suggested by the Council as my decision grants express consent, not planning permission. The plans condition is meant to facilitate applications under s73 of the Town and Country Planning Act 1990 for minor material amendments to a planning permission and so is not relevant when granting express consent for the display of an advertisement.

Beverley Doward

INSPECTOR