



Appeal Decision

Site visit made on 18 June 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/Q5300/H/19/3221615

Pavement opposite 119 Cecil Road, Enfield, London EN2 6TR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Mr Neil Scoresby against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/03818/ADV, dated 28 September 2018, was approved on 6 December 2018 and planning permission was granted subject to conditions.
 - The development permitted is installation of an internally illuminated digital LED display screen to both sides of the proposed free standing InLink.
 - The condition in dispute is No 1 which states that:
 - (1) *This consent permits the display of the advertisement(s) for a period of five years beginning with the date of this notice, after this period the use of the site for the display of the advertisement shall cease and the advertisement and any supporting structure shall be removed and the land/building on which the advertisement is displayed shall be reinstated.*
 - (2) *The advertisement(s) displayed shall be maintained in a clean, tidy and safe condition.*
 - (3) *Notwithstanding this consent no advertisement shall be displayed without the permission of the owner of or the permission of any other person with a controlling interest in the land.*
 - (4) *Notwithstanding this consent no advertisement shall be displayed so as to obscure or hinder the interpretation of any road traffic sign, railway signal or aid to navigation by road, railway, water or air, or otherwise to render hazardous the use of any highway, railway, waterway or aerodrome.*
 - The reason given for the condition is:
In the interests of amenity, highway safety and public safety, and to comply with Regulation 13 of the Town and Country Planning (Control of Advertisement) Regulations 2007.
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Decision

1. The appeal is allowed and the advertisement consent Ref: 18/03818/ADV, for the installation of an internally illuminated digital LED display screen to both sides of the proposed free standing InLink at pavement opposite 119 Cecil Road, Enfield, London EN2 6TR granted on 6 December 2018 is varied by deleting condition 1 and substituting it with the five standard conditions set out in the Regulations.

Background

2. Express advertisement consent was granted by the Council for an internally illuminated digital LED display screen to both sides of the proposed free standing InLink structure.

Main Issue

3. The main issue is whether condition 1 is reasonable and necessary in the interests of amenity or public safety.

Reasons

Condition 1 Part (1)

4. The Council, in granting consent, imposed part (1) of condition 1 which requires the removal of the advertisement and any supporting structure, and the land on which the advertisement is displayed to be reinstated at the end of the express consent period. This is not a standard advertisement condition and would remove the appellant's right to continue to display the advertisement under deemed consent that would otherwise apply after the expiry of the express consent.
5. The Council have stated that the reason for the condition refers to Regulation 13 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Regulations). Regulation 13 however refers to the local planning authority's duty to consult before granting an express consent. It is Regulation 14 which gives the power to the local planning authority to impose additional conditions to the standard conditions.
6. The Planning Practice Guidance (PPG) states that if a local planning authority decides to impose additional conditions, these must be supported by specific and relevant planning reasons. The PPG further states that conditions should never be imposed because the local planning authority wishes, as a matter of general policy, to prevent the operation of Class 14 in Schedule 3 (advertisements displayed after expiry of express consent) in their area.
7. By granting consent, the Council has indicated that the advertisement would not be unduly harmful with regards to amenity and public safety, and I see no reason to disagree. The Council however, have not provided any specific and relevant planning reason for the requirement in part (1) of condition 1, to remove the advertisement at the end of the express consent. There is also no evidence before me to demonstrate why a discontinuance notice could not be utilised following the expiry of express consent should the advertisement be considered harmful to amenity or public safety in the future. I therefore do not find that part (1) of condition 1 is reasonable or necessary.

Condition 1 Part (3)

8. Part (3) of condition 1 states that no advertisement shall be displayed without the permission of the owner of or the permission of any other person with a controlling interest in the land. This condition differs to the standard condition which refers to "site" as opposed to "land".
9. The appellant raises concerns that the land in which the advertisement stands is public highway and therefore this condition could put the appellant in breach. The PPG lists the standard conditions and states that no advertisement is to be displayed without the permission of the owner of the site on which they are displayed, this includes the highway authority, if the sign is to be placed on highway land. On this basis, and whilst the Council have used the term "land" instead of "site", I do not consider that part (3) of condition would put the appellant in breach.

Conclusions

10. I conclude that part (1) of condition 1 is not reasonable or necessary.
11. Whilst parts (2), (3) and (4) of condition 1 are considered reasonable, they do repeat the standard conditions in Schedule 2 of the Regulations and are therefore not necessary.
12. For the reasons given above, the appeal is allowed and the express consent is varied by deleting condition No 1 and substituting it with the five standard conditions set out in the Regulations.

Chris Baxter

INSPECTOR