
Appeal Decision

Site visit made on 24 June 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/A1530/Z/19/3240303

Land adjacent Waldegraves Lane (at junction with Chapmans Lane and East Road)

- 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 Lord and Waldegraves Holiday Park against the decision of Colchester Borough Council.
 - The application Ref 192118, dated 14 August 2019, was refused by notice dated 14 October 2019.
 - The advertisement proposed is free-standing advance sign for Waldegraves Holiday Park.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The control of advertisements is exercisable only with respect to amenity and public safety. The main issue is the effect of the proposed advertisements on amenity.

Reasons

3. The appeal site lies within an area of open countryside and there is no dispute between the parties that the land forms part of the Coastal Protection Belt (the CPB). It is an area of grass verge located close to the junction of Waldegraves Lane with Chapmans Lane and East Road. There are dwellings nearby on the opposite side of Waldegraves Lane and on East Road. Behind the site, and opposite, across Chapmans Lane, lie fields. In the vicinity of the site there are street name plates and several traffic regulatory signs. Further along Chapmans Lane are two bus stops. Overall the area has an open, rural character. There is a sign in the current position of the proposed sign, located between two vacant posts.
4. At the time of my site visit surfacing works were being carried out on the road and there were a number of temporary signs present associated with the management of those works.
5. The proposed sign would be large and located in a prominent position. There would be no nearby signage of a comparable size and the sign would, in its open setting, visually dominate the approach to the junction.

6. Notwithstanding the design of the sign, in regard to the selection of colours and materials, this prominence would result in an intrusion into the openness of the site to a degree that would, in this instance, constitute harm.
7. The sign would be a replacement for an existing sign. However I have no evidence to demonstrate that the existing sign has consent or that its retention would represent a realistic fall-back position.
8. The appellants have argued that the sign is needed to ensure that visitors to the site enter Waldegrave Lane. However, there is no evidence to demonstrate that there is an issue of public safety that needs addressing.
9. My attention has been drawn to other advertising signs situated in the wider area of East Mersea which have been granted consent by the Council and which the appellants consider to be comparable to the proposal which is before me.
10. These sites do not form part of the immediate context of the appeal site, but are located some distance away. Further, these signs are set against backgrounds of planting, and therefore their context differs significantly from that of the proposal before me and so I attach them limited weight. I have, in any case, determined this appeal on its own merits.
11. For the reasons outlined above, I conclude that the advertisement would result in unacceptable harm to the character and appearance of the site and the surrounding area and hence to amenity. I have taken into account Policy ENV1 of the Colchester Local Development Framework (LDF) Core Strategy (2008) and Policies DP1 and DP23 of the Colchester LDF Development Policies (2010) which together seek, amongst other things, to conserve and enhance Colchester's natural environment, countryside and coastline, particularly with regard to the CPB and to avoid unacceptable impacts on amenity. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account, they have not been a decisive consideration in my determination of this appeal.

Conclusion

12. I conclude that the proposed advertisement results in an unacceptable impact on the amenity of the neighbourhood of the site. Accordingly, for the reasons given above, the appeal is dismissed.

I Dyer

INSPECTOR