



Appeal Decision

Site visit made on 23 November 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/V0510/Z/20/3251019

land south of West Fen Road, West Fen Road, Ely

E:552827 N:280938

- 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 Chris Smith (Hopkins Homes Ltd) against the decision of East Cambridgeshire District Council.
 - The application Ref 20/00047/ADN, dated 20 December 2019, was refused by notice dated 24 March 2020.
 - The advertisement proposed is proposed free-standing pole-mounted sign.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of the provisions of the development plan, so far as they are material, and any other material factors. The reason for refusal refers to East Cambridgeshire Local Plan (ECLP) policy COM7, which I have taken into account insofar as it relates to public safety amenity.
3. There was, at the time of my visit to the site, a free-standing pole-mounted sign already in place. However, the orientation and facing direction of the sign as installed does not match the implied orientation of the appeal's red-edged application site boundary plans. I cannot be certain that the Council or the local highways authority as a consultee, have been able to consider the proposal on this basis and so I have, for the avoidance of doubt, considered the appeal on the basis of the advertisement applied for, not as I saw on the ground.
4. The Council raise no objection to the proposed advertisement in respect of amenity. Having assessed the proposal, I see no reason to disagree. The main issue in this case is therefore the effect of the free-standing pole-mounted sign on public safety.

Reasons

5. The proposed pole-mounted free-standing sign would be single sided. The submitted plans, and particularly the 'Sign Block Plan', imply an orientation such that the face of the sign, and thus the information which it presents,

would face in a broadly north-easterly direction. This would be towards on-coming vehicles travelling south along the A10. This would, the Council state, be in the opposite direction to the development to which the advertisement relates. As described above, this is not how the sign has been installed but I am required to determine the appeal on the basis of the plans and proposals also considered by the Council.

6. Despite the local highway authority's reference in their consultation response to a directional arrow on the sign, I note that the sign's content was amended during the course of the Council's consideration of the matter and the directional arrow deleted. Nevertheless, I concur with the Council's concern that the sign as proposed could encourage, particularly, late manoeuvres as motorists seeking out the development react to the content of the sign, especially given that the orientation of the sign is somewhat counter-intuitive with regard to the location of the development site relative to the sign. The removal of a directional arrow would not alleviate this concern; indeed, the fact that the development to which it relates is back in the opposite direction for drivers travelling south would compound and make more likely the occurrence of motorists slowing, turning or making otherwise late or unpredictable movements.
7. Although the proposed advertisement is not a traffic generating entity *per se*, ECLP policy COM7 seeks, amongst other things, to ensure that development proposals can be accommodated without detriment to the local highway network and that safe and convenient access to the highway network should be provided. For the reasons set out above, the proposed advertisement would be prejudicial to these aims and would not be conducive to ensuring public safety.
8. I accept that temporary housebuilders signs are not particularly uncommon, especially in areas where there is significant, large-scale or on-going housebuilding. The temporary nature of such signs is also acknowledged. Nevertheless, the counter-intuitive and somewhat conflicting message created by the sign's orientation relative to the development to which it relates would be likely to cause confusion and hesitation at an un-lit junction on a busy road subject to the national speed limit.
9. The advertisement appeal to which I have been referred by the appellant¹ deals purely with matters of amenity, not public safety. The Inspector may well have considered the temporary signage to be acceptable in amenity terms in that instance, but the matter of public safety was not a main issue and not therefore something upon which he concluded. As a consequence, the weight that I can give that example is very limited.

Conclusion

10. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

¹ APP/R3515/H/08/2088062