



Appeal Decision

Site visit made on 24 February 2021

by M Seaton DipTP MRTPI

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

Decision date: 18 March 2021

Appeal Ref: APP/E2001/H/20/3264129

**Land South East of World War Two Memorial St. Margaret's Cemetery,
Catwick Lane, Long Riston, East Riding of Yorkshire**

(Grid Ref Easting: 512489, Grid Ref Northing: 442660)

- 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 Ian Nursey against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/02709/PAD, dated 14 August 2020, was refused by notice dated 23 October 2020.
 - The advertisement proposed is the erection of a free-standing wooden noticeboard on Catwick Lane verge next to the entrance of the church drive.
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Decision

1. I allow the appeal, and grant consent for the erection of a free-standing wooden noticeboard on Catwick Lane verge next to the entrance of the church drive on Land South East of World War Two Memorial St. Margaret's Cemetery, Catwick Lane, Long Riston, East Riding of Yorkshire (Grid Ref Easting: 512489, Grid Ref Northing: 442660), as applied for. The consent is for 5 years from the date of this decision and is subject to the standard conditions as set out in the Regulations, as well as the following condition below:
 1. The materials to be used in the construction of the external surfaces of the noticeboard hereby permitted shall comprise a Teak Wood finished in a natural colour with a wooden inscription and no colour.

Main Issue

2. The National Planning Policy Framework (the Framework) sets out at paragraph 132 that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
3. In this instance, and recognising the location of the appeal site within a conservation area and close to several listed buildings, the Council has raised no objection on the grounds of amenity, considering that it would preserve the character and appearance of the conservation area and the setting of the nearby listed buildings. On the basis of the submitted evidence and my own observations, I see no reason to disagree with these conclusions, and therefore do not find there to be conflict with either Section 66 or Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. However, the Council has expressed concern over the impact of the noticeboard on public safety, and more specifically the impact on the safety of motorists.
5. For this reason, the main issue is the effect of the proposed development on the highway safety of road users, and particularly motorists.

Reasons

6. The appeal site comprises a grassed parcel of land at the junction between Catwick Lane to the east, and the single carriageway drive that leads to St. Margaret's Church to the north. The land is defined by a mature hedgerow on the western boundary and also partially on the southern boundary.
7. The proposed noticeboard would be set back from the edge of the carriageway of Catwick Lane, with its alignment parallel with the lane, and is indicated as being for the use of the nearby church. I note the position of the noticeboard would also be further back from the road than the adjoining hedge line running to the south, and in this regard, it would appear at least partially screened by the existing hedgerow.
8. I have carefully considered the Council's contention regarding the adverse impact on highway safety, which has been summarised as comprising the provision of a distraction to road users and a hazard for vehicles if a vehicle were to leave the road.
9. I am not persuaded that the nature of the non-illuminated noticeboard and its usage would result in a distraction for motorists in passing the appeal site. It would not be located in a prominent position and in any event the content and audience are likely to be more focussed on the noticeboard as a destination for information rather than as a distraction in passing. Even if a car was to pull to a halt to allow the occupant to exit to read the noticeboard, the characteristics of the highway carriageway at this point and the observed low levels of traffic using the lane, would not create the circumstances where an adverse impact on highway safety would be likely to result.
10. For the same reasons, I do not find the absence of a pedestrian environment on the west side of this part of Catwick Lane or reliance on a grassed area to result in an adverse effect on pedestrian safety. I note that for people attending St. Margaret's Church on foot, the crossing of Catwick Lane adjacent to the position of the sign would be a necessary occurrence anyway, and it is unlikely that any additional numbers of people crossing Catwick Lane to access the noticeboard would have any significant impact.
11. Turning to the scenario of the hazard if a car were to leave the road, I find the Council's contention to be without any justifiable merit. The proposed noticeboard would be set 3 metres back from the highway edge and would be set further back than other existing gates, walls, hedgerows, and indeed buildings observed in close proximity to the appeal site. This would include the nearby concrete post and tubular metal fence protecting the exposed drainage feature which whilst it may be historic and present for a good reason, occupies a more prominent and exposed position and therefore presents a greater crash hazard.
12. I acknowledge that the noticeboard may be located within the public highway as identified by the Highway Authority and is not a prescribed road sign.

However, in this instance I do not find that there would be the contended adverse impact on highway safety for motorists. I am satisfied that the proposal would not conflict with paragraph 132 of the Framework as exercising control over the noticeboard in this instance would not be in the interests of public safety.

Other Matters

13. I have noted the appellant's reference to other noticeboards within the District. However, whilst the possession of the necessary consents appears to be in question, I have determined this appeal on its own merits and therefore these other examples have not had any bearing on my decision-making.

Conditions

14. The Council's suggestion of the imposition of a condition to secure the use of an appropriate material for the finish to the noticeboard is considered to be reasonable and necessary in the interests of protecting the character and appearance of the Conservation Area.
15. The Council has also suggested the use of a condition requiring the development to be completed in accordance with the approved plans. However, this is not necessary as the decision grants express consent, not planning permission, and as the condition would be to facilitate applications under s73 for minor material amendments to a planning permission, it is not relevant when granting express consent for the display of an advertisement.

Conclusion

16. For the above reasons, and subject to the standard conditions and the non-standard condition listed, the appeal is allowed.

Martin Seaton

INSPECTOR