



Appeal Decision

Site visit made on 12 May 2021

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/Z1510/Z/20/3265161

Mazda Showroom, Westdrive, Galleys Corner, Braintree CM77 8GA

- 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 Jason Westwood on behalf of Westdrive against the decision of Braintree District Council.
 - The application Ref 19/01596/ADV, dated 29 August 2019, was refused by notice dated 23 October 2020.
 - The appeal is described as relating to 'retrospective advertisement consent to display a single illuminated free standing trailer mounted advertisement'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the planning application there has been a material change in the Council's Development Plan. On 22 February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan. I have afforded both parties a chance to comment on the policies in the development plan though I do not consider that the local planning authority (LPA) has been able to clarify which policies it considers are pertinent and from which documents they are drawn, nor has it replied to such requested information or sent it to the appellant for comment. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking into account of any material factors. In my determination of this appeal the council's policies have not, therefore, by themselves been decisive.
3. The local planning authority (LPA) refers to the draft Section 2 of the Local Plan but as this has not yet been adopted, I cannot afford it significant weight.

Main Issue

4. The main issue is the effect of the proposal upon the visual amenity of the area.

Reasons

5. The appeal site is a triangular shaped area within the curtilage of car showrooms and which abuts the dual carriageway known as Millenium Way and which is set at a higher level at this point.
6. The appeal relates to a retrospective proposal for a single, free-standing trailer mounted advertisement with a height of 2.05 metres and a width of 3 metres and set some 2.8 metres above ground level. The advertisement is electronic and illuminated and contains slide changes at 30 second intervals. The illumination levels are set at 300cd/m.
7. The appeal site is within a commercial area where there is a proliferation of advertisements, many of considerable height.
8. The appeal advertisement would be especially directed at drivers and passengers using the B1018 Millenium Way, and while other advertisements can be seen from the road they are not generally as close to the road as is the appeal advertisement and for this reason are not so dominant or intrusive. In addition, the appeal advertisement is illuminated, and its content changes every 30 seconds whereas other signage in the area is normally unlit and static. The illumination and frequent and regular changes of the appeal advertisement add to its intrusive and adverse visual qualities.
9. I appreciate that the appellant considers the advertisement to be vital to the viability of the business, though I have little information before me on this matter. In this case, the harm to the visual amenity of the area is considerable and is a matter of overriding concern.
10. I find that the advertisement, by its position close to the B1018 Millenium Way, by its size, illumination and its regularly moving format is significantly detrimental to the visual amenities of the area. Furthermore, it fails to accord with paragraph 132 of the Framework which aims to protect the quality and character of places from advertisements which are poorly sited and designed.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR