



Appeal Decision

Site visit made on 21 May 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2021

Appeal Ref: APP/V1260/Z/21/3267610

Land adjacent Fairmile Road, Christchurch, Bournemouth

Grid Ref Easting: 415388, Grid Ref Northing: 93395

- 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 Synergy Media Holdings against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 8/20/0992/ADV, dated 2 November 2020, was refused by notice dated 12 January 2021.
 - The advertisement proposed is a free-standing advertising display comprising one 48 sheet panel and one 16 sheet panel.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Photographs submitted by the appellant shows the advertisements in situ at the appeal site. In addition, at section 5 of the application form, the applicant has declared that the advertisements are already in place. However, at the time of my site visit, the advertisements had been removed from the site. Based on the evidence before me, it is unclear when the removal of the advertisements occurred. Nevertheless, given that the advertisements are no longer in place, I have determined this appeal on the basis that the advertisements detailed within the submitted plans and supporting documentation are proposed to be displayed at the appeal site.

Main Issue

3. The main issue is the effect of the advertisements on amenity.

Reasons

4. "Amenity" is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 'Regulations'). However, it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest¹.
5. The appeal site is situated on the eastern side of Fairmile Road, opposite the junction with Clarendon Road, near to the town centre of Christchurch.

¹ Regulation 3(2)(a) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

6. It is proposed to erect two free-standing advertisements comprising of a 48-sheet poster panel and a 16-sheet poster panel. The advertisements would be adjoined to each other and would be set at an angle facing in a westerly direction towards Clarendon Road.
7. The immediate area has an urban character and there are a mix of land uses present, which includes residential development, a car sales garage and a large-scale industrial estate immediately to the rear of the site. To the southern side of the appeal site there is a railway bridge and an embankment.
8. On the land which appears to form part of the railway embankment, there are two existing advertisement panels which face onto Fairmile Road. The advertisements are similar in size to the proposed 48-sheet poster panel and are located within close proximity to the appeal site on the same side of the road.
9. Owing to the overall size of the adjoined advertisements and their position near to the corner of Fairmile Road and Clarendon Road, I consider that the proposed advertisements would be an unduly prominent and visually intrusive feature in the street scene. Moreover, the proposed advertisements would add further visual clutter to the street when viewed in the context of the existing poster advertisements near to the railway embankment on Fairmile Road. Accordingly, I conclude that the advertisements would have a harmful effect on amenity.
10. The appellant points out that there are other similar poster style advertisements on Fairmile Road. Moreover, they explain that three 48-sheet poster panel advertisements have been recently removed from land adjacent to 59 Fairmile Road.
11. On my site visit, I observed that the other advertisements, in addition to the former advertisement site at No 59, are located a considerable distance away from the appeal site. Such development is not seen in the context of the appeal site and does not therefore contribute directly to the visual amenity of the local area, where the appeal site is located.
12. In accordance with the Regulations², I have taken into account the provisions of the development plan so far as they are material, and other relevant factors. In this instance, Policy HE2 of the Christchurch and East Dorset Local Plan: Part 1 – Core Strategy (the 'CS'), states that the design of development must be of a high quality, reflecting and enhancing areas of recognised local distinctiveness.
13. I have concluded that the advertisements would harm visual amenity, and, thus the appeal proposal would conflict with Policy HE2 of the CS, in so far as it would not be a high-quality development reflective of the local distinctiveness of the area. Accordingly, the proposal would be contrary to the provisions of paragraph 132 of the National Planning Policy Framework.

Other Matters

14. The appellant explains that the appeal site is an 'established advertising site' having operated without complaint for 'some time'. However, no substantive

² Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

evidence has been put forward by the appellant to demonstrate that this has been the case.

15. To this regard, I note that an appeal³ was dismissed in October 2020, which sought to overturn the Council's refusal to grant a certificate of lawful use for development in respect of the use of the site for the display of advertisements.
16. In determining the appeal, the Inspector found that it had not been demonstrated by the appellant, that on the balance of probability, the site had been used in the manner claimed for a ten-year continual use prior to the application. Thus, he found the Council's decision to refuse a certificate of lawfulness was 'well-founded' and he dismissed the appeal. Based on the evidence before me, I have no reason to disagree with the findings of the previous Inspector on this matter.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR

³ Appeal Ref: APP/V1260/X/20/3248685