

Appeal Decision

Site Visit made on 23 August 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/Z3825/H/21/3267879

The Henfield Tea Gardens, High Street, Henfield BN5 9DE

- 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 Mrs Mary Kingston, Henfield Tea Gardens, against the decision of Horsham District Council.
 - The application Ref DC/20/1353, dated 20 July 2020, was refused by notice dated 4 December 2020.
 - The advertisement proposed is described as: We wish to apply for permissions for two signs to be attached to the fencing at the front of our property and for one sign to erected on our property just by the front gate. Our property is quite a way back from the road, so we were concerned that potential customers may not realise we are there.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council issued a split decision, refusing express consent for part of the proposed development but granting consent for sign 3. The appeal therefore relates to the two proposed signs – signs 1 and 2, which are already in place – that were refused consent. I have determined the appeal on this basis.
3. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. However, as the Framework's policies that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issue

4. The main issue is the effect of the proposed signs on the amenity of the area.

Reasons

5. Fronting High Street, the appeal site contains a two-storey building with a traditional appearance set behind a large landscaped area in use as a tea garden. The site is visible in public views and its frontage forms a relatively prominent, verdant feature in the built-up area of Henfield. The surrounding area has a mixture of properties in commercial and residential use and includes a number of advertisement signs. However, such signs are generally either relatively small and modest – such as the existing hanging sign at the site – or larger but set-back from the public realm, such as at the adjoining garage.
6. The site is located within the Henfield Conservation Area (CA), whose significance stems from, amongst other aspects, its historic character. In

accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

7. Measuring approximately 1.25 metres high and 2.44 metres wide, and positioned on top of the site's front boundary fence, sign 2 reads as a significant and prominent feature in public views. Although sign 1 has a lesser height, it is also relatively large and appears from the public realm as a notable addition. Combined with the other signs already on the site, the proposed signs lead to a cluttered site frontage, dominated by advertisements, and a proliferation of signage on a relatively short stretch of land facing the public realm. Accordingly, and due to their position and size in particular, the signs read as intrusive and dominant features that fail to respect their context and detract from the character and appearance of the surrounding area and the CA.
8. The signs' natural materials, traditional appearance and hand painted designs do not lead me to a different conclusion. In coming to this view, I have also taken account of the signage at the nearby filling station. However, those signs do not mean that the appeal proposal is acceptable. Although the appellant has also indicated a willingness to compromise, such as in relation to the signs' height and size, I have to determine the appeal on the plans before me.
9. For the above reasons, I conclude that the proposed signs would harm the amenity of the area. I have taken into account Policies 14, 33 and 34 of the Horsham District Planning Framework which seek to protect visual amenity by, amongst other aspects, setting out that advertisements should be of an appropriate size and appropriately located and that developments should respect the character of the surrounding area and reinforce the special character of the district's historic environment, and so are material in this case. Given that I have concluded that the proposal would harm amenity, the proposal also conflicts with these policies.

Other matters

10. It has been put to me that the signs are needed to advertise the Tea Gardens, particularly given the effect of the Covid pandemic and the lockdowns on hospitality, and that they have helped advertise the business to potential customers who may not see it due to the boundary hedge. However, Regulation 3(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), the Framework and the Planning Practice Guidance indicate that advertisements should be subject to control only in the interests of amenity and public safety. I have therefore assessed the appeal proposal in relation to these matters only.
11. The Council's Decision Notice and appeal statement allege that the appeal proposal would harm neighbouring listed buildings. However, no details have been submitted indicating what neighbouring buildings are listed and what the alleged harm would be. In addition, the Council's appeal questionnaire does not identify that the proposed advertisements would affect the setting of a listed building. I have determined the appeal on this basis. However, and in any event, in dismissing the appeal, no harm to a listed building(s) or its setting would arise.
12. The Council does not allege that the appeal proposal would result in public safety issues and the submitted evidence does not lead me to a different

conclusion. Nevertheless, I have found that the signs harm the visual amenity of the area and are unacceptable in relation to that matter.

Conclusion

13. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR