



Appeal Decision

Site visit made on 2 February 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/U1105/Z/21/3285218

Martins Of Exeter, Road From Clyst To Sidmouth Road, Sandygate, Exeter EX2 7JL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Graeme Hughes of Alight Media Ltd against the decision of East Devon District Council.
 - The application Ref 21/1441/ADV, dated 20 May 2021, was refused by notice dated 30 September 2021.
 - The advertisement proposed is installation of 1 x 48 sheet freestanding digital advertising display unit, measuring 6.4m wide x 3.4m high and comprising pressed metal frame and sealed LED screen.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on amenity.

Reasons

3. The appeal site is within the grounds of a motorhome and caravan business, at its rear boundary where it backs on to the east side of the Sandygate Roundabout, close to the east edge of Exeter. The roundabout is large and an elevated section of the M5 crosses its centre, which partitions the roundabout into two distinct areas with different characters.
4. To the west, the roundabout gives a somewhat urban impression because it links directly to the city, and particularly the nearby busy retail environment around Exeter Services, an area beset with adverts. To the east, the environment is highly sylvan and verdant, and, despite its width, the roundabout has a far more undeveloped feel, disconnected from the urban confines of the city. This side of the roundabout also acts as a gateway to rural East Devon via the Sidmouth Road, which passes close to the appeal site.
5. I recognise that the motorhome and caravan business is overtly commercial, owing to its signage and the motorhomes and caravans within its grounds. The Planning Practice Guidance (the PPG) advises that adverts may well be permitted in commercial areas¹. However, the business is solitary on this side of the roundabout and its buildings have a rustic appearance and I understand once formed a farmstead. This is not therefore a commercial area as such.

¹ Paragraph: 079 Reference ID: 18b-079-20140306

6. In these circumstances, I consider that a freestanding digital display, of the siting and scale proposed, would represent an unduly urbanising item of clutter which would be discordant to the relatively undeveloped character of the area. Its impact would be perceptible to not only those seeking to access urban places, but also people taking the Sidmouth Road east into the countryside. The trees which would form the visible background to the display would not sufficiently soften its presence, nor would its proposed finish materials, or the use of conditions relating to the operation of the advertisements displayed.
7. My attention has been drawn to consent allowed at appeal for a display in Rotherham². Whilst there are some similarities with this case with reference to surrounding trees, it is also clear that that site is more intimately related to existing large signs and occupies a more central, urban location, between Rotherham town centre and a residential area. Ultimately, issues such as amenity are highly fact sensitive and necessitate site specific judgment. For these reasons, this decision has had little influence on my assessment.
8. Consequently, I conclude that the proposal would be harmful to amenity. In accordance with the Regulations, I have taken into account the development plan so far as it is material. The scheme would conflict with the amenity aims of Policy D4 of the East Devon Local Plan 2013-2031 (adopted 2016). It would also conflict with the National Planning Policy Framework (the Framework).

Other Matters

9. The Council has not sought to argue that the scheme would have an unacceptable effect on public safety. I myself have no reason to disagree with the expert advice of Highways England that the display would be safe.
10. The appellant has referred to the economic benefits of the display and the conduct of the Council in refusing consent against the officer recommendation. A reference has also been made to the presumption in favour of sustainable development set out by Paragraph 11 of the Framework. However, these issues are not germane to my assessment which, pursuant to the Regulations, the PPG and the Framework, turns only on matters of amenity and public safety.

Conclusion

11. For the reasons outlined above, and taking all matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

² Appeal Ref: APP/P4415/Z/20/3252133