



Appeal Decision

Site visit made on 10 February 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2022

Appeal Ref: APP/E2734/Z/22/3291117

Land at Thirkill Drive, Pannal, Harrogate

Grid Ref Easting: 430630, Grid Ref Northing: 450985

- 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 Bellway Homes Ltd - Yorkshire Division against the decision of Harrogate Borough Council.
 - The application Ref 20/02289/ADV, dated 19 June 2020, was refused by notice dated 31 December 2021.
 - The advertisements proposed are two number hoardings with 4 x flags adjacent to roundabout; four no. flags along Thirkill Drive; advert hoarding and directional signage at Station Road entrance to site.
-

Decision

1. The appeal is allowed and express consent is granted for the display of two number hoardings with 4 x flags adjacent to roundabout; four no. flags along Thirkill Drive; advert hoarding and directional signage at Station Road entrance to site as applied for. The consent is subject to the five standard conditions set out in the Regulations¹ and the following additional condition:
 - 1) The advertisements hereby permitted shall be removed from the land on or before 19 June 2023 unless a further consent of the Local Planning Authority has been obtained.

Preliminary Matter

2. At the time of my visit the advertisements had been installed. I am therefore considering the appeal retrospectively.

Main Issue

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

Reasons

4. The appeal relates to a number of advertisements that have been installed in the area surrounding a housing development being constructed by the appellant.
5. The appeal site is within an Area of Special Control (ASOC) for the purposes of advertisements, where the purpose of bringing additional advertisements within planning control is not to prevent them being displayed altogether, but to ensure that they respect rural amenity.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

6. The National Planning Policy Framework (the Framework) states that, the quality and character of places can suffer when advertisements are poorly sited and designed. It also states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Planning Practice Guidance states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood.
7. Two hoardings and four flag advertisements have been installed at the roundabout junction between Thirkill Drive and the A61. Thirkill Drive forms the main route to the housing development to which the advertisements relate. There are additional flag advertisements on Thirkill Drive, signage adjacent to the housing development, and on the corner of Station Road and Thirkill Drive.
8. I do not consider that the design and number of advertisements is either unacceptably excessive, both in number and size, or unusual for the size and nature of the development being undertaken. In displaying the corporate branding of the appellant and site information, collectively they reflect the advertisement style that is used at similar residential developments throughout the country. As such, they do not appear as being either unusual or obtrusive in relation to the extent of the site frontage or the road that leads to the development.
9. The very nature of advertisements results in some visual impact. For the advertisements subject to the appeal, this is most apparent for those sited adjacent to the roundabout junction with the A61. The advertisements are not within, but are seen in the context of the Green Belt and the Special Landscape Area. However due to their overall size and siting, I do not consider that the impact is to an unacceptable extent.
10. The advertisements adjacent to the development site itself, including the advertisement installed on Station Road, are of a size and siting where there is not an unacceptable impact.
11. In making my assessment I have also taken into account the temporary nature of the advertisements that are in connection with an ongoing development, with the appellant seeking consent until 19 June 2023. A condition to remove the advertisements by this date would be necessary in the interests of amenity.
12. I therefore conclude that the advertisements do not cause significant harm to the amenity of the area, thus they comply with Chapter 12 of the National Planning Policy Framework (2021).
13. I have taken the Council's identified policies into account as material considerations. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
14. The advertisements therefore comply with the elements of Policies HP3 and NE4 of the Harrogate District Local Plan (2020) which seek to protect local distinctiveness and landscape character.

Other Matters

15. I note the comments made by the Pannal & Burn Bridge Parish Council. There is no evidence to suggest that the advertisements lead to public safety concerns due to the use of unadopted highway.
16. The suggestion that the land on which the advertisements have been installed is not the appellant's property is of limited weight in the appeal. The first standard condition of the Regulations states that 'no advertisement is to be displayed without the permission of the owner of the site on which they are displayed'.
17. Reference that the advertisements exceed the deemed consent limit allowed under the Regulations is not a relevant factor in an appeal which seeks express consent.

Conclusion

18. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR