



Appeal Decision

Site visit made on 13 July 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2022

Appeal Ref: APP/Z3825/Z/21/3289969

Broadbridge Heath Retail Park, Broadbridge Way, Broadbridge Heath, Horsham RH12 3TQ

- 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 James Charlesworth, DT Last Mile (Horsham) Trustee Limited against the decision of Horsham District Council.
 - The application Ref DC/21/1507, dated 22 June 2021, was refused by notice dated 5 November 2021.
 - The advertisement proposed is described as "The proposed D48 digital sign would measure at 5.6 metres (H) x 6 metres (W). It would have 1no. double-sided panel which will display digital advertisements. The sign would be internally LED illuminated with a maximum total light output of 300 candelas per square metres."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application for advertisement consent proposed three advertisements at the retail park site. The Council issued consent for two of these, while refusing consent for the third. It is only this third advertisement that I have considered as part of this appeal.
3. I have taken the address of the appeal site from the appeal form, as this more accurately reflects the site's location.

Main Issues

4. The main issues are the effects of the proposal on amenity and public safety.

Reasons

Amenity

5. The proposed advertisement would be positioned within an area of verge adjoining Broadbridge Way. While there is a retail park located alongside the site, the road is lined by large trees and grass verges which softens the appearance of large buildings to a significant degree. The appellant asserts the area is distinctly commercial in nature, however while there are glimpses of the built development that border the road, the predominant feature of the immediate locality, other than the road itself, is the vegetation that is present, with buildings providing a filtered backdrop. As such, the location is not characterised by the commercial development, but by the green and leafy areas of land that border this main road.

6. Within this context, the proposed advertisement within the verge, given its scale, illumination and positioning, would be an overly assertive visual element. It would be a discordant and intrusive addition at this location, unacceptably eroding the verdant quality of the locality and harming the amenity of the area. The presence of nearby road signs is not comparable and does not allay my concerns in this respect.
7. I note that the appellant has drawn my attention to a scheme where consent was forthcoming for a similar proposal. However, the circumstances of that case are clearly different from that which is before me, in terms of the proximity of the retail park to road and lack of planting present. I have assessed the scheme before me on the basis of its particular merits and found it to be unacceptable.
8. The scheme would therefore have an unacceptable effect on the amenity of the area. I have taken into account the policies of the development plan so far as they are material. The scheme would also conflict with policies 14, 32 and 33 of the Horsham District Planning Framework (the HDPF) (adopted 2015), insofar as they seek to ensure that advertisements are appropriately located, that development is of a high-quality design and relates sympathetically to its surroundings.

Public safety

9. The Council's reason for refusal alleges an impact on highway safety, however no further explanation is given. This is also the case with the Officer's Delegated Report, other than stating that the advertisement would be close to the highway, no explanation is given of the potential effect on safety. I am also conscious that the Highways Authority, West Sussex County Council, raise no objection to the proposal in its consultation response. As such, there is nothing before me that convinces me that there would be a harmful effect on public safety arising from the advertisement at this location. There would thus also be no conflict with policy 14 of the HDPF, insofar as it seeks to ensure advertisements do not impair highway safety.

Other Matters

10. I note that the Council's decision notice and delegated report make no mention of the advert regulations, and this is highlighted by the appellant. Notwithstanding this, the concerns raised in respect of the matter of amenity are valid and ones which I have agreed with when making my decision. This matter does not therefore diminish the harm identified.
11. The appellant asserts that the advertisement is a vital component to ensure that occupiers of the nearby retail units are successful and receive sufficient exposure to secure their long-term future. However, consideration of the proposal is limited to the interests of amenity and public safety only. This is therefore not a matter that adds to my reasoning.

Conclusion

12. For the reasons given above I conclude that the display of the advertisement, while not harmful to public safety, would be detrimental to the interests of amenity, and the appeal should therefore not succeed.

Martin Allen

INSPECTOR