

Appeal Decision

Site visit made on 21 July 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8TH August 2022

Appeal Ref. APP/Y2620/Z/22/3300419

Junction of Waitrose and Cromer Road, North Walsham NR28 0NB

- 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 David Galbraith of Inschool Media against the decision of North Norfolk District Council.
 - The application ref. ADV/22/0404, dated 15 February 2022, was refused by notice dated 14 April 2022.
 - The advertisement proposed is "New 48 sheet paper advertising board".
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Decision

1. The appeal is allowed and express consent is granted for the display of "New 48 sheet paper advertising board" as applied for. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations.

Preliminary matters

2. Under the above Regulations powers to control advertisements are to be exercised in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material and any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach.
3. The advertisement was already in place at the time of the application. It is a standard size non-illuminated poster panel or billboard supported by a timber framework. It has been erected in a roadside location at the junction between Cromer Road and an access road which serves Waitrose supermarket and various industrial and commercial sites. The Council remarked that the signage is not directly associated to the use of the appeal site or any nearby land. To the extent that this could be taken to mean that the signage is unnecessary, the PPG explains that consent cannot be refused because a local planning authority considers an advertisement to be unnecessary.

Main issue

4. The Council did not refuse the application on the grounds of public safety. Based on my observations and the evidence before me, I see no reason to disagree.
5. The main issue is therefore the effect of the advertisement display upon the visual amenity of the site and its surroundings.

Reasons

6. The appeal site does not fall within any designated heritage area and its surroundings are not characterized by the presence of any important buildings or features of obvious scenic, historic, architectural, cultural or similar interest.
7. The billboard is sited at an angle so as to face road users who are approaching North Walsham along Cromer Road (A149) from the north-west, within a section of road subject to a 40 mph speed limit and where there are street lights. One such street lighting column stands adjacent to the subject billboard.
8. Even though this is a principal route at the edge of the town, the sign does not have a particularly long range of visibility on the approach from the north-west on account of a bend in the carriageway and the presence of vegetation along the frontage of the site at Waitrose supermarket. It is not therefore unduly prominent or visually intrusive in the wider surroundings. Moreover, insofar as the display can be seen by passers-by from whatever direction, it is firmly embedded within and seen against a relatively busy and predominantly commercial and industrial employment area, variously characterized by the supermarket and its associated car parking areas and signage, a large engineering workshop, a haulage and distribution business, a sizeable office building and a site and buildings which are being prepared for a firm involved in the supply of building materials. An established timber and builders merchants occupy a site a short distance to the south-east closer to the town centre.
9. Being within the employment area of a principal settlement where there are large buildings and a main highway gives this locality a character which the PPG identifies as likely to be a suitable location for large poster-hoardings. I find nothing untoward about its siting, form, scale or positioning. Given its standard surface area and height (the top of it being below the height of the Waitrose sign on the opposing corner of the junction) for displays of this type, the subject sign does not appear out of scale or keeping to passing road users, including pedestrians and cyclists or cause such a degree of visual intrusion into the wider street scene as to warrant withholding express consent. The only direct and obvious visual link to other signage would be to that aforementioned Waitrose sign. Thus, in cumulative terms, it would not become part of a critical mass of advertisements that results in harmful visual clutter.
10. I find on the main issue that the advertisement display would not adversely affect the visual amenity of the site and its surroundings. No development plan policies are referred to in the decision notice. Paragraph 136 of the Framework explains that the character and quality of a place can suffer when advertisements are poorly sited and designed. The scheme would not produce the outcome set out in that paragraph and it would respect the objectives of the Regulations and section 8.3 (Advertisements) of the North Norfolk Design Guide Supplementary Planning Document.

Conditions

11. The Council has suggested in the questionnaire that no conditions other than the 5 standard conditions should be imposed in the event of the appeal succeeding. I see no reason to reach a different view. I have taken the questionnaire response to rule out the condition suggested by the Highway Authority for the sign to be finished and retained in a non-reflective material. Such a condition would be unlikely to meet the tests of enforceability and precision because

what might constitute a reflective or non-reflective material could be open to a good deal of interpretation.

Conclusion

12. For the reasons given above and having had regard to all other matters raised in the written material before me and the absence of objections from North Walsham Town Council, I have reached the conclusion that the appeal should be allowed.

Andrew Dale

INSPECTOR