



Appeal Decision

Site visit made on 9 August 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 SEPTEMBER 2022

Appeal Ref: APP/B3030/Z/22/3298658

Fosse Road, Farndon, Newark, Nottinghamshire

- 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 Miss Holly Hardy on behalf of Frank Hardy & Sons (Farndon) Ltd against the decision of Newark & Sherwood District Council.
 - The application Ref 22/00391/ADV, dated 25 February 2022, was refused by notice dated 10 May 2022.
 - The advertisement proposed is 'Display of 2no. free standing pole mounted signs'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has amended the description of the proposed advertisement in their decision notice, and I have referred to this description in the banner heading as it describes the advertisement proposed more accurately than that contained on the application form.
3. The original application was submitted on behalf of Hardy's Farm Shop, however the appeal has been submitted on behalf of Frank Hardy & Sons (Farndon) Ltd. The appellant has however since confirmed that the former is a trading name and the latter a registered name, and therefore both refer to the same business.
4. The Regulations, National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) make it clear that advertisements should be subject to control only in the interests of public safety and amenity. I have had regard to the policies referred to in the Council's decision notice, however, having regard to the above, these policies have not been decisive in my determination of this appeal.
5. The Council's decision does not refer to public safety as a reason for refusal. While some concern is expressed in the representations provided by Farndon Parish Council, the site of the proposed advertisement is set back from the carriageway and no concerns have been raised by National Highways or the local highway authority. There is therefore no evidence before me to indicate the proposal would have a harmful effect on public safety.

Main Issue

6. The main issue is the effect of the proposed advertisements on the visual amenity of the area.

Reasons

7. The proposed advertisement would be located adjacent to a large roundabout on the A46 between Farndon and Newark. The Farndon side of the roundabout is characterised by open fields and greenery. Any observable built development is set back a considerable distance behind fields or otherwise significantly screened by vegetation. It is predominantly rural in character and creates a sense of openness and separation between Farndon and the urban areas on the Newark side. This is recognised through Policy NUA/OB/1 of the Allocations & Development Management Development Plan Document (ADM DPD), adopted July 2013, which seeks to restrict further built development in these 'Open Break' areas.
8. The proposed advertisement would sit on the edge of an agricultural field, be free standing and face the roundabout and adjacent roads. It would be set back some distance from the carriageway behind a grass verge and boundary hedgerow, albeit due to its height it would be visible in the surrounding area. When viewed from the roundabout and other roads and footpaths on the Newark side, the proposed advertisement would appear somewhat isolated on the periphery of the roundabout. It would sit prominently in the open view across the field and appear as an incongruent feature in the landscape. This would detract from the prevailing sense of openness and separation between settlements and would therefore be harmful to the visual amenity of the surrounding area.
9. I saw there are various signs and other highway structures in the vicinity. The roundabout itself features numerous highway signs, and there are also several free-standing advertisements on the opposite side of the roundabout, as referred to by the appellant. These include those advertising businesses at the nearby 'International Logistics Centre', as well as a totem sign and at least two other advertisement boards belonging to the adjacent public house.
10. Notwithstanding this, there are some notable distinctions between existing advertisements and the proposal in this case. The highway signs in the area are characteristic of the local road network. I also saw on site that those existing advertisements for adjacent local businesses were located near them and so appear well related. When viewed from the roundabout, and from Fosse Road, these existing advertisements are also seen within the setting of adjacent buildings and other development that give the Newark side of the roundabout a more urban character. The signs and advertisements in the locality are thus not comparable.
11. I have considered Policies DM5 and NUA/OB/1 of the ADM DPD, as well as Core Policy 9 of the Amended Core Strategy, adopted March 2019. Amongst other things, these policies seek to ensure proposals contribute to and sustain local distinctiveness and are of an appropriate form and scale to their context. They are therefore material in this case. I have also reviewed the guidance in the Shopfronts and Advertisements Design Guide Supplementary Planning Document, adopted November 2014. In respect of the main issue, I find that the proposal would cause harm to the visual amenity of the area and accordingly conflicts with the aforementioned policies.

Other Matters

12. It is acknowledged the proposed advertisement would direct potential customers to the business and may contribute to its growth. However, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 indicates advertisements should be subject to control in the interests of amenity and public safety only, and so this cannot be given any weight.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR