



Appeal Decision

Site visit made on 21 March 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2023

Appeal Ref: APP/G2245/Z/22/3294250

The Elms Nursery Ltd, Bough Beech Road, Four Elms TN8 6ND

- 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 Colin Graves against the decision of Sevenoaks District Council.
 - The application Ref 21/03671/ADV, dated 5 November 2021, was refused by notice dated 10 January 2022.
 - The advertisements proposed are described as “the signs provide advertisements for the mixed use of the Elms Nursery”.
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Decision

1. The appeal is allowed, and express consent is granted for the display of the advertisements for the mixed use of the Elms Nursery as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

2. At time of my site visit, the advertisements shown on the plans had been erected.

Main Issues

3. The main issues are the effect of the advertisements on amenity.

Reasons

4. The appeal site is a garden centre complex incorporating a mix of uses and businesses including a plant nursery, equestrian supplies, pet store, café and gym/fitness studio. The appeal relates to 13 advertisements of differing types, most of which are clustered around the site’s gated access, with other advertisements sited at each end of the site’s front boundary.
5. Of the group of advertisements surrounding the access, those advertising the country store, bistro, and nursery are most prominent due to their relatively large size and height. These advertisements create a focal point which draws attention to the location of the vehicular access. The broadly symmetrical arrangement on either side of the access gate provides a balanced appearance which is not cluttered and untidy. Other advertisements, such as those advertising fuel supplies and opening times, are arranged informally on the front of the fence but, due to their smaller size, are of lesser visual prominence.

6. The site is remote from any settlement and is surrounded by fields and undeveloped land interspersed with occasional dwellings. The site is located on a relatively narrow rural road with verges, hedgerows and tree belts on either side. Due to the curvature of the road and dense vegetation, the advertisements are not visible from longer distances and therefore are not generally visible within the wider landscape setting. The cluster of advertisements is situated at the edge of the car park and site access, and the advertisements located at the wider front perimeter of the site are free-standing and positioned between mature trees. The advertisements do not therefore erode the verdant character of the area.
7. There are no pedestrian footways along the road and traffic appears fast moving. The advertisements would generally be visible only as fleeting views to passing motorists, and therefore have a minimal visual impact upon the street scene. The nearest dwellings are located west of the site on the opposite side of the road. These dwellings are set behind a tall, dense hedgerow obstructing views of the appeal site. The advertisements would not therefore harm the visual amenity of nearby dwellings.
8. Some local residents objected to the quality of the appearance of the advertisements. However, the advertisements appear professionally designed and printed and most are sited on free-standing posts or attached to the timber fence within a framed housing and therefore do not appear poor quality. Whilst the various advertisements include a range of fonts, colours and materials, these generally reflect the branding of the different businesses within the complex which is consistent with signage on the front of the main building. Some respondents suggested the advertisements appear out of keeping with the rural environment. However, I consider the advertisements appear broadly typical in style and appearance to those found elsewhere at similar types of rural enterprise, and thus do not appear out of keeping with the area's rural character.
9. Some comments raised concerns regarding the number and repetitive nature of the advertisements. However, the advertisements are oriented to face vehicles approaching in each direction, and the advertisements located at the site's perimeter are some distance from those at the access. Therefore, not all advertisements are directly visible from any single viewpoint. Whilst a more consolidated approach with fewer adverts would be favourable to some respondents, it does not automatically follow that the present arrangement is harmful.
10. For these reasons, the advertisements do not harm amenity. Having regard to the development plan insofar that it is relevant to my consideration of the proposal's effects on amenity, the advertisements would accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and Policy SP1 of the Sevenoaks Core Strategy which together require proposals to respect the distinctive local character of the area. In addition, the advertisements do not give rise to harm to the quality and character of places which paragraph 136 of the National Planning Policy Framework seeks to avoid.

Other Matters

11. Comments were received from a number of local residents raising concerns in respect of highway safety. However, the advertisements are not illuminated and are set back from the public highway behind the appeal site's boundary

fence and hedgerow and therefore would not constrain visibility for highway users, including vehicles entering or leaving the appeal site's access. I also note the Highways Authority were consulted and raised no objections to the scheme. I therefore consider that the advertisements do not harm highway safety, nor raise any other concerns in respect of public safety.

12. Some comments raised concerns regarding the effects of the scheme and its location within the Green Belt. However, the regulations state that advertisements are subject to control only in the interests of amenity and public safety. Consequently, effects upon the openness of the Green Belt cannot be taken into account in my consideration of this appeal.

Conditions

13. Since I have granted express consent, the advertisements are subject to the five standard conditions set out in Schedule 2 of the Regulations.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed, and express consent should be granted.

E Dade

INSPECTOR