



Appeal Decision

Site visit made on 28 March 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/N2739/Z/23/3315290

Land at New Lennerton Lane, Sherburn in Elmet

Grid Ref Easting: 452517, Grid Ref Northing: 432909

- 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 Daniel Spinks (Harrison Spinks Events) against the decision of Selby District Council.
 - The application Ref 2022/1166/ADV, dated 6 October 2022, was refused by notice dated 1 December 2022.
 - The advertisement proposed is a free standing double sided sign.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site location provided on the application form references the property "The Motorist" and the road name "Lennerton Lane". During my site visit I noted that a sign identifies the road beside the appeal site as New Lennerton Lane and that the property The Motorist is located some distance away. Therefore, in the banner heading above, I have taken the site address from the appeal form which I consider accurately describes the location of the site.
3. On site an advertisement is in place which appears to match that shown on the submitted plans albeit a smaller blue and white sign is affixed to it that is not shown on the plans. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted.

Main Issue

4. The main issue is the effect of the advertisement on visual amenity.

Reasons

5. The appeal site is located on a grass verge at the roadside to the east of Sherburn in Elmet. To the eastern side of Sherburn in Elmet there is a large industrial area. Within this built-up area there are a range of advertisements including those at the roadside. During my visit I noted that at the eastern edge of the industrial area further units were being built. Beyond the industrial area, the character changes and the countryside is entered whereupon there are open fields and buildings are sporadically distributed. The appeal site is located within this countryside. At the time of my visit the fields closest to the appeal site principally contained grass and low-level crops and were generally

lined with quite low hedgerows and fencing. Though there are trees close to the appeal site these were generally dotted around or in small groups.

6. The grass verge with the roads adjacent, the nature of the fields and low boundary hedging provides for an open aspect to the immediate surrounds of the site. In this context I find that the proposed advertisement which would be 2.3m in height, 2.4m in width and set above ground level would be large. The advertisement would be harmfully at odds with the prevailing rural character of the immediate area, one which is generally open, verdant and which exhibits relatively little evidence of the trappings of the settlement farther to the west.
7. The appellant references "Sherburn 2" - an extension to the industrial area to the west of the appeal site. I have only limited information before me of this development. The buildings which I saw in the process of erection were quite a significant distance from the appeal site. I have no substantive evidence before me that the location of the proposed advertisement is shortly to have its present rural character considerably altered to one which would be much more built-up or commercial in nature. Consequently, the "Sherburn 2" proposals and their potential implications upon the character of the local area are not a strong influence upon my decision.
8. The appellant submits that the proposed advertisement is required and deliberately positioned so as to provide advance notice to passing drivers of the location of "The Motorist" premises which is situated approximately half a mile away. The appellant also draws my attention to other facilities operating in the same area including Sherburn Aero Club which I note has existing signs beside the appeal site granted advertisement consent by the Council (application reference 2021/0319/ADV). I have had regard to these advertisements, and I accept that the existing Sherburn Aero Club advertisement is, like the appeal proposal, also large. I also accept that, with the Aero Club sign incorporating a light colour scheme, in comparison, the significant use of black within the proposed advertisement would, to some extent, assist in reducing how conspicuous it would appear, particularly at longer viewing distances.
9. Despite this, given its size and siting, the proposed advertisement would nevertheless appear prominent in this location, and most especially at shorter range vantage points. The proposed advertisement would, in combination with the Aero Club advertisements beside it, form a concentration of significant signage and create visual clutter. As a result, the proposed advertisement would create harmful cumulative visual effects which would be jarring within the countryside setting. I therefore find that the presence of the existing Aero Club sign would compound the harmful visual effects of the proposal rather than serve to justify it or aid in assimilating it into the area.
10. Unlike an earlier advertisement proposal which was refused consent by the Council (application reference 2021/0881/ADV) I note that, in the appeal scheme, no downlighter or other means of illumination is proposed whilst the advertisement would be set at a lower level above the ground. Although these amendments may have reduced the visual effects of the proposal in comparison to the previous rendition, for the above reasons, the proposed advertisement would, nevertheless result in harm.
11. In the countryside context of the appeal site the proposed advertisement would appear as a prominent, inharmonious, and visually intrusive feature which

would also result in cumulative effects with other signage. The proposal would, therefore, have a harmful effect on visual amenity.

12. I have taken into account policy SP19 of the Selby District Core Strategy Local Plan, adopted 2013 (CS) and policy ENV1 of the Selby District Local Plan, adopted 2005. Amongst other matters, these policies seek to protect visual amenity by ensuring that proposals are of a high quality of design and have regard to local character. These policies are therefore material in this case. Given I have concluded that the proposal would harm visual amenity, the proposal conflicts with these policies.
13. The Council found that the development would conflict with policy SP1 of the CS. Conversely, the appellant has submitted to me that the proposal accords with it, particularly the objectives of improving economic and social conditions. Policy SP1 references the presumption in favour of sustainable development as set out within the National Planning Policy Framework (the Framework). I have no reason to conclude that this presumption applies in this case and, therefore, I find that this policy is largely irrelevant to the case and my determination.
14. The appellant has submitted that the proposal would accord with policy SP2 of the CS. The full detail of this policy is not before me but even if I accepted that this policy is material in this case, on the basis of the evidence before me, policy SP2 requires new development within the open countryside to be appropriate in scale. For the above reasons, I have identified that the scale of the proposed advertisement would contribute to it causing harm to visual amenity.
15. Finally, I also find that the proposal would be contrary to advice within the Framework in respect of achieving well-designed places. At paragraph 136, the Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. Such harm to the character of the area would result from the proposal.

Other Matters

16. The Highway Authority raised no objections on highway safety grounds and there is no dispute between the main parties that the reasons for the advertisement application being refused were unrelated to matters of public safety. I have no reason to disagree.
17. Furthermore, I also note that the Town Council raised no objections to the advertisement. However, this absence of objection does not in itself render the scheme appropriate nor overcome my concerns in relation to visual amenity.

Conclusion

18. I have identified that the proposed advertisement would have a harmful effect on visual amenity. The appellant submits to me that the advertisement in the location proposed would notify motorists of the advertised premises, thereby helping to ensure that they would not miss the turning nor, in turn, perform an unsafe corrective manoeuvre. However, I have no substantive evidence before me of the contribution that the proposed advertisement would make to highway safety nor that unsafe manoeuvres would be likely to readily take place without it. The appellant also submits that the advertisement would support the enterprise it would be advertising. However, these factors do not

provide me with sufficient justification to allow a sign that would cause the visual harm described above.

19. For these reasons, I conclude that the appeal be dismissed.

H Jones

INSPECTOR