



Appeal Decision

Site visit made on 14 April 2023

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/Z2260/H/22/3305455

Canterbury Road, Birchington, CT7 9UD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Wildstone Group Limited against Thanet District Council.
 - The application Ref A/TH/22/0586 is dated 14 April 2022.
 - The advertisement proposed is removal of 4 paper and paste adverts and replacement with 2 48 sheet freestanding digital adverts.
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Decision

1. The appeal is allowed and express consent is granted for removal of 4 paper and paste adverts and replacement with 2 48 sheet freestanding digital adverts 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 and additional conditions f and g: -
 - a. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - b. No advertisement shall be sited or displayed so as to -
 - i. Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - ii. Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - iii. Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - c. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - d. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - e. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

- f. At no time shall the luminance level of the signs exceed the thresholds contained within the Institute of Lighting Professionals (ILP) guidance document PLG05 – The Brightness of Illuminated Advertisements 2015 (or any subsequent amendment/replacement to this guidance).
- g. The advertisements shown of the digital display hereby permitted shall be static images, with no moving or flashing images displayed, and the change over frequency for those images shall be no less than once every 10 seconds.

Preliminary Matters

- 2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out that advertisements are subject to control only in the interests of amenity and public safety. This appeal has been lodged following the Council's failure to determine the application. The Council in their statement of case have confirmed that they do not consider the proposal raises any amenity or public safety concerns and does not contest the grant of express consent for the proposal. Furthermore, the Council is not raising any concern in regard of conflict with the adopted development plan or the National Planning Policy Framework.

Other Matters

- 3. Third party concerns have been raised to the proposal. With regard to the ability to access and use the community garden, I see no clear reason why access to the community garden would be restricted. Nonetheless, the Council points to this being a private civil matter separate to that of the consideration of the planning application or this appeal.
- 4. With regard to road safety, Kent Highways have been consulted and have confirmed that given the location of the proposal, in a 30mph straight stretch of road, the proposal is acceptable, including that of the 10 second display rate. The Council have confirmed that there is no objection raised to the proposal on public safety grounds. On the information available to me, there is no substantive evidence that would lead me to a different conclusion on this matter.
- 5. The Council's Environmental Health section confirms that the application details comply with the Institute of Lighting Engineer best practice guidance to minimise the potential for light nuisance and recommends the imposition of a suitably worded planning condition to control this. The appellant has confirmed that this standard would be met. On this basis the Council raises no objection on grounds of illumination. Again, given the information available to me, there is no substantive evidence that would lead me to a different conclusion on this matter. The illumination can be controlled by a suitably worded planning condition.
- 6. Concern has been raised to potential noise pollution, albeit it has not been explained what this might be. I have no substantive evidence before me that would indicate noise to be of concern.
- 7. Concern has also been raised to the overbearing impact of the signs and potential loss of outlook to those residents backing on to the site and those living on Canterbury Road opposite. The signs would be the same size as the existing signs and would be no greater in height. The proposal seeks to reduce

the number of signs at the site. Therefore, there would be a lesser impact upon resident than currently, and this would reduce the visual impact of signage upon the appearance of the area. The Council have not raised a concern on grounds of amenity. I see no substantive reason that might lead me to come to a different view with regard to this matter.

8. It has been suggested that the proposal would bring about an economic benefit for the appellant. The Regulations 2007 sets out that advertisements should be subject to control only in the interests of amenity and public safety and this approach is reflected in the National Planning Policy Framework. Any economic benefits for the appellant are, therefore, not before me for consideration.
9. Both parties have referred to a number of appeal decisions. I have had regard to these. Nonetheless, I have considered the specific circumstances and location of this proposal in reaching my conclusions.

Conditions

10. Schedule 2 of the 2007 Regulations sets out five standard conditions to be imposed in the event that express consent is granted. The Council have put these forward and the appellant has confirmed a willingness to accept these standard conditions. These are relevant to this case and should be imposed.
11. The appellant has also stated a willingness to the imposition of conditions limiting the illumination of the sign to a recognised industry standard level and standard display settings, as per those additional conditions put forward by the Council. Whilst the Council's statement of case refers to an 80 second duration for displaying images, it is clear from the discussion that a 10 second duration has been agreed by Kent highways and the Council confirms they have no objection to this.

Conclusion

12. The Council does not raise any amenity or public safety concerns over the proposal or see a conflict with the adopted development plan or the National Planning Policy Framework. Furthermore, the Council does not contest the grant of express consent for the proposal. Having regard to the above and those other matters raised I see no substantive reason that might lead me to a different view to that of the Council.
13. For the reasons set out above, and subject to the conditions listed, the appeal should be allowed.

Nicola Davies

INSPECTOR