



Appeal Decision

Site visit made on 7 August 2023 by M Long BA(Hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/P1425/Z/22/3313326

**Land opposite junction between Mill Lane and Gradwell End, South Chailey
[Grid ref. 538470, 117357]**

- 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 RV Developments Gradwell Ltd against the decision of Lewes District Council.
 - The application Ref LW/22/0446, dated 28 June 2022, was refused by notice dated 1 November 2022.
 - The advertisement proposed is described as 'Marketing sign advertising retirement properties at Gradwell Park for sale or rent and directing visitors towards the site. Due to covid-19 the sale of units has been slower than anticipated. This application seeks permission to continue to display the existing temporary sign for a further time period of 12 months or until all the units have been sold/let, whichever is sooner'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Council's officer report suggests that the Chailey Neighbourhood Development Plan (NDP) was at an advanced stage towards adoption. The Council has since confirmed that the Chailey NDP was adopted in 2021, prior to the Council's decision.
4. During the site visit, I observed the two signs were in place and accorded with the submitted drawings. Consent for this advertisement was previously granted in October 2021 for a period of up to 9 months. The appeal scheme seeks to temporarily extend the consent for this advertisement by a period of 12 months, or until all the units have been sold or let, whichever is sooner. It is also understood that signage had been erected at the site during the summer of 2020, but was removed in January 2021.

Main Issue

5. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised only 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.

6. The main issue is the effect of the proposal on amenity.

Reasons for the Recommendation

7. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
8. This section of Mill Lane has a hedgerow along its north-west side, behind which are open fields forming part of the Western Low Weald area in the East Sussex Landscape Character Assessment. The south-east side has a more developed character with numerous residential buildings.
9. While the hedgerow provides some screening, the advertisement is still very visible above it. Although it is not illuminated, due to its size and height it is nevertheless prominent within long-distance views from either direction along Mill Lane. It is also particularly prominent from Gradwell End, where both signs are viewed together. There is no other advertising in this area, and the advertisement is incongruous when seen against the open, rural character of the land to the north-west and in the rural views in these directions. Consequently, the signs are, and would continue to be, intrusive and harmful to local visual amenity.
10. Although there are buildings close to the site, these are located on the opposite side of the highway and are viewed in a separate context. Therefore, they do not mitigate the visually intrusive appearance of the advertisement.
11. While the consent period would be temporary, the harm identified would endure for the duration of the display of the signs at the site. I recognise that sales/lettings of the units may have been slower because of the pandemic. Nevertheless, a significant period of time has passed since consent was originally granted and since the application to retain the advertisements was made, and the time period originally applied for has since passed. There is no compelling evidence before me to justify retaining the advertisement beyond that timescale, even for the shorter 9 month period which the appellant indicates they may accept as an alternative. The amenity harm would not therefore be satisfactorily mitigated by the temporary period sought.
12. I have taken into account Policy DM31 of the Lewes District Local Plan, adopted March 2003, which seeks advertisements that are sympathetic to the character and appearance of their location and so is material in this case. I have also taken into account Policy ENV6 of the Chailey NDP, which requires development to be considered with regard to the need to protect the open landscape character of the countryside and natural views. Given that I have concluded that the proposal would be harmful to amenity, there would be conflict with these policies.

Other Matters

13. Concerns have been raised regarding whether the scheme presents a distraction to drivers. Given the long-distance views of the advertisement, there is sufficient time for approaching drivers to assimilate the signs into their field of vision. Also, there is no substantive evidence before me that links any road incidents in this area to the signs since they have been in situ. Therefore, I do not consider there would be harm to public safety.
14. Submitted email correspondence between the appellant and the Council indicates that the case officer may have been minded to recommend that consent be granted for the application. However, this indication was followed by the caveat that it was an informal officer's opinion which would not be binding with respect to the Council. The Council's final decision was to refuse consent. I have considered the scheme on its own merits and found amenity harm based on the evidence before me, including the detailed planning history provided by the appellant.

Recommendation

15. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the reasoning set out above. The proposal would harm visual amenity for the reasons given, and this harm would not be adequately mitigated by the temporary nature of the advertisement. On that basis the appeal is dismissed.

L McKay

INSPECTOR