The Planning Inspectorate

Appeal Decision

Site visit made on 10 August 2023 by Max Webb BA(Hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2023

Appeal Ref: APP/Y2620/Z/23/3317152
A148, Fakenham (just prior to r/bout adjacent to Thorpland Rd) NR21 0HB [593533, 331013]

- 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 Mrs Joanne Woodward (Marketing Force Limited) against the decision of North Norfolk District Council.
- The application Ref ADV/22/2704, dated 15 November 2022, was refused by notice dated 31 January 2023.
- The advertisement proposed is 1 x static non-illuminated advertisement.

Decision

1. The appeal is allowed and express consent is granted for 1 x static non-illuminated advertisement. 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 the following additional conditions:

   1) The advertisement hereby consented shall be finished and thereafter retained in non-reflective materials and shall not be illuminated at any time.

   2) The advertisement display hereby consented shall not resemble an official traffic sign with regards to colour or format and no images which could be construed or confused with a road sign shall be displayed.

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 Government published on 5 September 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a relevant factor, in this instance, the issues most relevant to this advertisement appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

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

Reasons for the Recommendation

5. The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised 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 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 Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

7. The Council indicates that the appeal site is in an area subject to advertising control, however I have not been provided with any information on the nature of such controls. Nor have I been directed to any relevant policies or guidance on this matter.

8. The appeal site is a grass verge located close to a roundabout on a main route into and out of Fakenham. The surrounding area has substantial greenery and large trees, however in the vicinity of the roundabout there are a significant number of advertisements. This includes numerous signs grouped together along a fence next to the roundabout and a large display across the road from the appeal site. The Council is unsure whether other signage in the immediate vicinity of the appeal site benefits from relevant consents. Nevertheless, most of the signage appears to have been in place for a significant period of time and there is no indication before me that the Council is taking action against it. The immediate area around the roundabout is therefore characterised by commercial signage.

9. The proposed advertisement would be in a prominent position, however it would have a similar scale, form and appearance to the other signage in the vicinity of the roundabout. It would be seen in conjunction with the large sign across the road, which would result in some visual clutter with this existing display. However, the existing sign appears temporary in nature and no suggestion that it has consent, therefore it is unlikely to remain in place long term. The proposal would also be seen in longer views with some of the signage along the fence on the opposite side of the roundabout, however they would be sufficiently far apart that it would not result in visual clutter.

10. Consequently, in this location and context, the proposed advertisement would not appear unduly prominent or intrusive and would not harm the character and appearance of the area or visual amenity.

11. Overall, the proposal would not harm the amenity of the area. It would not therefore conflict with paragraph 8.3 of the North Norfolk Local Development Framework Design Guide Supplementary Planning Document (2008), which outlines how advertisements need to pay due regard to their surroundings, or with the Framework.

Other Matters

12. The sign would be positioned low to the ground and away from key sight lines at this junction. It would also be non-illuminated, static and non-reflective.

Consequently, the advertisement would not result in any undue distraction to drivers approaching this roundabout. A condition is necessary to prevent the use of any reflective materials or illumination on the display. There is potential for confusion or distraction if the display resembled an official traffic sign, therefore a condition to prevent this is also necessary. Subject to those conditions, no harm would arise in relation to public safety.

Conditions

13. In addition to the conditions discussed above, the Regulations set out that any consent will be subject to the five standard conditions.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions listed above.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the reasoning set out above. The proposed advertisement would not harm amenity or public safety, and on that basis the appeal is allowed subject to the conditions set out above.

L McKay

INSPECTOR