



## 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**

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**Appeal Ref: APP/Y2620/Z/23/3317156**

**A148 Creake Road, Fakenham (From East Rudham Opp Shell Garage)  
NR21 9HT [591199, 330706]**

- 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/22/2705, dated 15 November 2022, was refused by notice dated 31 January 2023.
  - The advertisement proposed is 1 x static non-illuminated advertisement.
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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 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 appeal site is a grass verge located close to a roundabout on a busy route into and out of Fakenham. On most sides of the roundabout, including the appeal site, there is a mix of fields, greenery and trees, giving the area a rural character. On the opposite side of the roundabout, there is a petrol station, and further away there are residential properties.
8. I saw various event related signage in the vicinity of the site, however this was all clearly temporary in nature and there is no substantive evidence before me that it would remain after the relevant events had taken place. Further away towards the residential development, the petrol station and related signage are of a type typically seen in proximity to roads. In that location they are seen more in relation with the nearby settlement than the surrounding countryside and are some distance from the appeal site. There are commercial advertisements on the roundabout itself, however these are significantly smaller than the appeal proposal. These other advertisements have not therefore significantly altered the rural character of the area on the appeal site's side of the roundabout.
9. 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.
10. The advertisement would be in a prominent position, and although relatively low in height, a permanent commercial advertisement of this scale in this setting would appear out of character with the rural surroundings. The posts upon which the display would sit would be a dark colour, as would the reverse side of the display, meaning the advertisement would only be visible on approaching the roundabout in one direction. However, this structure would still appear out of place in this rural setting. The proposal would therefore harm the visual amenity of the area.
11. The other signage in the area is distinctly different in size, nature and/or location to the appeal proposal, and does not therefore have a comparable impact on amenity or the character of the local area. The existence of this other signage therefore does not justify the introduction of permanent commercial advertisement in this location.
12. The appellant has suggested a condition that would require removal of the advertisement at any point it was not being utilised. It is unclear how a condition of this nature could be worded to be reasonable, and I have not been provided with any wording to suggest how this could be achieved. The appellant has also provided evidence that signs of a similar nature have a high occupancy rate, which suggests the advertisement is unlikely to not be utilised. In any case, the structure and display would remain sizeable and prominent, which would result in some harm to the amenity of the area.
13. Overall, the proposal would unacceptably harm the amenity of the area. Although not decisive, I have taken into account that the proposal would 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.

### **Other Matters**

14. The appellant has raised the potential economic benefits to the local area that could arise from the advertisement display. Nevertheless, advertisements should only be subject to control in the interests of amenity and public safety. As such, I give these potential benefits limited weight and they do not justify the harm identified.
15. 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, features which could be secured by planning conditions if the advertisement were otherwise acceptable. I am therefore satisfied that the advertisement would not result in any undue distraction to drivers approaching this roundabout. As a result, I find no harm would arise in relation to public safety. Nevertheless, this would not mitigate or outweigh the harm I have identified to the amenity of the area.
16. The Council's planning officer indicated that the proposal would be acceptable, however this was not the final decision of the Council. I have considered the proposal on its own merits and found harm, which is not outweighed by any material consideration.

### **Conclusion and Recommendation**

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Max Webb*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

18. 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 harm amenity and there are no material considerations that justify granting consent. On that basis the appeal is dismissed.

*L McKay*

INSPECTOR