



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/F2605/Z/23/3316701

A1065 Castle Acre Rd, Swaffham, prior to Waitrose PE37 7JA [581960, 310035]

- 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 Breckland Council.
 - The application Ref 3PL/2022/1279/A, dated 15 November 2022, was refused by notice dated 6 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 in proximity to a junction. Behind the appeal site there is housing and greenery. Across the road from the appeal site, there is a supermarket with related signage, although this is screened substantially by greenery. Further along this side of the road there is a junction leading to commercial units and associated signage. Overall, in proximity to the appeal site, the area has a mainly residential character.
8. The advertisement would be in a prominent position, and although relatively low in height, a commercial advertisement of this scale in this setting would appear out of character with the residential properties beyond. 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 junction in one direction. However, this structure would still appear out of place with the vegetation and residential properties behind. The proposal would therefore harm the visual amenity of the area.
9. The signage opposite the appeal site is clearly related to the supermarket and set back from the road. The commercial units and signage are further from the appeal site and relate predominantly to the road on which they are located, rather than the junction where the proposal would be positioned. In contrast, installing a commercial sign on the residential side of the road would take away from this residential character. This other signage therefore does not justify the introduction of a permanent commercial advertisement in this location given the different character of the appeal site side of the road.
10. 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.
11. Overall, the proposal would unacceptably harm the amenity of the area. I have taken into account Policy EC 08 of the Breckland Local Plan (2019) and Policy HBE5 of the Swaffham Neighbourhood Plan 2016-2036 (2019) which seek to protect local character and so are material in this case. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies. The Council also refers to Policy COM 01 of the Breckland Local Plan, however it is unclear how this relates to advertisements as it relates to development, and advertisements are not development in planning terms. Therefore, that policy has not been determinative in this appeal.

Other Matters

12. 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.

13. 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. I am therefore satisfied that the advertisement would not result in any undue distraction to drivers approaching this area. 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.

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 dismissed.

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

L McKay

INSPECTOR