



Appeal Decision

Site visit made on 18 December 2023 by T Bennett BA(Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) Dip TP

an Inspector appointed by the Secretary of State

Decision date: 20.03.2024

Appeal Ref: APP/B3030/Z/23/3331543

Bilsthorpe Food Store, Stanton Avenue, Bilsthorpe, Newark, NG22 8GL

- 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 Lincolnshire Co-operative Ltd against the decision of Newark & Sherwood District Council.
 - The application Ref 23/01304/ADV, dated 25 July 2023, was refused by notice dated 3 October 2023.
 - The advertisement proposed is 1No. illuminated Totem sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of 1No. illuminated Totem sign 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.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. For conciseness I have removed 'please refer to drawing J1946 00114 b. For luminosity levels please refer to Data sheet V180' from the description of development.
4. The advertisement that is the subject of this appeal had already been erected at the time of my visit. This appeal therefore seeks retrospective permission for the advertisement.
5. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal, and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issue

6. The Council has raised no concerns regarding public safety in this case and from the evidence before me I see no reason to disagree. Therefore, the main issue is the effect of the totem sign on the visual amenity of the area.

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Reasons for the Recommendation

7. The totem sign is located in the corner of the carpark associated with a recently constructed food store, set back from the edge of the pavement on the corner of Eakring Road and Stanton Avenue. To the north of the site is a residential development currently under construction with existing residential properties on the opposite side of Eakring Road. Flag poles associated with the residential scheme and advertisement hoardings, whilst likely to be temporary, are a feature of the street scene.
8. The totem sign is narrow in width, slim in depth and the height is significantly smaller than the associated food store and nearby residential properties. In close views when approaching from the north, the totem sign is seen in the context of the food store and carpark, with the colours complementary to the two existing modest store signs on the store frontage, which were recently granted consent². From the opposite direction the advertisement is read against the context of existing residential development.
9. Given the prominent location and colour of the totem sign on a straight section of road it is clearly visible when approaching from both the north and south along Eakring Road, designed to attract the attention of passing road users, giving advance notice of the location. However, in such views the advertisement is seen in the context of the built form and does not result in an intrusive feature in the street scene.
10. The semi-rural context of the proposal, together with the lack of advertisements in the vicinity and modest existing signage on the food store, results in the totem advertisement being acceptable. It does not create any sense of visual clutter.
11. Given the above, I find the scale and form to be appropriate within its context and therefore not visually harmful to the open character of this part of Eakring Road.
12. I note that the Council consider that the advertisement is unnecessary, however the Regulations do not require that this should be demonstrated as part of an application or appeal. The necessity or otherwise of the advertisement is not a determining factor.
13. For the above reasons, I find that the display of the advertisement does not cause any unacceptable harm to visual amenity. The Council has drawn my attention to Core Policy 9 of the Newark and Sherwood Amended Core Strategy Development Plan Document (2019) and Policy DM5 of the Allocations & Development Management Development Plan Document (2013). I have taken these policies into account, as they seek to protect amenity and so are material. Given I have concluded that the proposal does not harm amenity; the proposal does not conflict with these policies.

Conditions

14. The Council has not suggested the imposition of any additional conditions over and above the five standard conditions and I see no reason to reach a different opinion.

² Reference: 23/00151/ADV

Conclusion and Recommendation

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

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

RC Kirby

INSPECTOR