



Appeal Decision

Site visit made on 16 February 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/E3335/Z/23/3332669

Land on the South Side of Station Approach Frome BA15 2NG

- 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 Wildstone Estates Limited against the decision of Somerset Council.
 - The application Ref 2023/0516/ADV, dated 16 March 2023 was refused by notice dated 26 September 2023.
 - The advertisement proposed is Erection of 1 No.48 Sheet Externally Illuminated Paper and Paste Advertising Display, measuring 6.0m wide x 3.0m high and 1.9m from ground level to base.
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Decision

1. The appeal is allowed and express consent is granted for the 48 Sheet Externally Illuminated Paper and Paste Advertising Display 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 and the following additional condition:-
 - 1) The display hereby approved shall not be illuminated between the hours of 23:00 and 06:00

Application for costs

2. An application for costs was made by Wildstone Estates Limited against Somerset Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development upon (a) amenity and (b) highway safety.

Preliminary Matter

4. This appeal arises following a decision by the appellant to substitute their intended installation of a similar sized internally illuminate digital advertising display (ref. 2022/2286/ADV January 2023 (The 2023 consent) with an externally-lit 'paper and paste' installation of similar size in the same location. This change arose from local representations to which the appellant acceded, however, a more-than-theoretical prospect exists as to the prospect of the 2023 consent being implemented and I have addressed the appeal accordingly.

Reasons

Impact on amenity

5. The proposed display would be mounted on what was, at the time of my visit, a steep bank covered in grass and brush on the southern side of the access to Frome Railway Station. Station Approach serves a number of commercial premises which sit high above Portway/Wall Bridge (A362). The appeal site is therefore separated from and not within the setting of the Grade II Listed Frome Station. On the northern side of the A362 there is a small group of listed buildings and listed boundary walls, however despite their proximity, due to the alignment of the road and intervening vegetation, the appeal site does not fall within the setting of these designated heritage assets. However, the edge of the A362 defines the extent of the Frome Conservation Area (CA) which is also a designated heritage asset.
6. At present although Station Approach does present a backdrop of commercial activity including building-specific signage, to users of the A362, the application site is only populated by small scale functional signage related to the Railway Station. The proposed display would infill the space between these signs and a large tree which sits opposite the junction where Wallbridge Avenue emerges onto the A362. The display would therefore be prominent for users of Wallbridge Avenue emerging from other parts of the CA and to users of the A362 where this lies within the CA.
7. Having regard to the duty expressed in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I note that the appeal site (and therefore the proposed display) abuts the CA and lies within 'Character Area 3' according to the LPA's 2008 appraisal. This notes detractors or negative features as including obtrusive traffic signage and other traffic management measures that relate to the high levels of traffic along the east-west route which includes the A362. Although not falling within the CA, the proposed sign would be on the periphery of the junction with station approach and would therefore widen the area within which signage is directed at users of the highway and, being within the setting of the CA, add to this negative aspect of its character.
8. However, as the appellant's submission makes clear, what is before me was submitted following local representations pursuant to approval by the Local Planning Authority at the time¹ of a similarly-sized but digital display² in the appeal location which, the appellant confirms³, would be implemented should this appeal be dismissed. The circumstances of this matter clearly present a more-than-theoretical prospect of implementation of a digital version of the appealed proposal. In which regard there would be, due to its dynamic nature, a risk of harm to amenity which would be, in my view, significantly greater than that which would arise from the refused proposal. Bearing in mind the circumstances surrounding the case I consider this 'fallback' argument to carry significant weight in favour of the proposal before me.

Highway safety

9. For the same reasons, even if it were considered that the proposal represents a risk to highway safety, it cannot reasonably be argued that such harm, if it

¹ Which was Mendip District Council

² ref. 2022/2286/ADV January 2023

³ Appellant grounds of appeal at 6.1

were to exist, would be greater than that of the approved display and on that basis it is not necessary to consider this main issue further.

10. I therefore conclude, for the reasons given and taking all matters raised into account that the appeal succeeds subject to the usual conditions together with, having regard to the restriction on illumination set out in the 'fallback' decision, a similar provision in this matter.

Andrew Boughton

INSPECTOR