



Appeal Decision

Site visit made on 21st June 2024

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2024

Appeal Ref: APP/V2255/Z/24/3337906

Land at Wises Lane, Borden Kent ME10 1GD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by BDW Kent against the decision of Swale Borough Council.
 - The application Ref is 23/503582/ADV.
 - The advertisement proposed is for 1no. fascia signs, 9no. totem signs, 2no. plaques, 4no. fence panel signs, 1no. development name sign and 5no. flag poles.
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Decision

1. The appeal is allowed and express consent is granted for the display of the 3no. flag poles (Item G) as shown on drawing 1704 81 Rev B within the 'Sales area plan' at Land at Wises Lane, Borden Kent ME10 1GD in accordance with the terms of the application, Ref 23/503582/ADV. The consent is for 3 years from the date of this decision and is subject to the 5 standard conditions set out in Schedule 2 of the 2007 Regulations: -
 - 1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - 2) No advertisement shall be sited or displayed so as to:
 - a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b. obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - 3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - 4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

- 5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Background and Main Issue

2. The Council's decision has been a split decision. Advertisement Consent has been given for the majority of the development set out in the banner heading above. However, Advertisement Consent has been refused relating to 3no. flag poles (Item G) as shown on drawing 1704 81 Rev B within the 'Sales area plan'. For the purpose of clarity, I have considered only the 3 flag poles that have been subject to the Council's refusal.
3. Three flag poles advertisement were in place at the site at the time of my site visit. However, it is not clear whether these are in precisely the same position as shown on drawing 1704 81 Rev B. I have therefore considered the appeal as a standalone advertisement development.
4. The main issue raised by this appeal is the effect of the proposed 3 flag poles signs upon the amenity of the area.

Reasons

5. This appeal relates to temporary signage in relation to a residential housing development that is currently under construction. The site where the 3 flag pole signs are proposed comprises of 2 show homes (Plots 2 and 3) and a sales cabin with a visitor car park. The flags would be positioned alongside the highway frontage within the visitor car park. The 3 flag poles would each consist of a 5.4m high aluminium post and a blue polyester flag with white text.
6. The 3 flag pole signs would sit within the context of other signage which includes: 1 fascia sign to the sales cabin; 6 totem signs around the visitor car park; 2 show home name plaques; 4 fence panel signs; and, 1 development name sign. These are of a different scale and perform different functions, including providing directional information.
7. The majority of the signage would be located within the sales area and car park restricting any impacts on visual amenity to a small area. Due to the size of the site relative to the advertisements that are proposed the signage would not result in an unacceptable level of visual clutter when considered cumulatively. The amount of signage would not result in an over proliferation of signage within this area and would not have an unacceptable detrimental impact upon either visual and residential amenity, nor result in any harm to highway safety, which are the statutory tests here. Consequently, I do not find that the flag poles would be harmful to the visual amenity of the surrounding area. I have also taken into consideration that this signage would be a temporary consent for 3 years and, as such, any impacts would be time limited.
8. The Council's Planning Committee also raised concerns that the 3 flag poles would cause noise in windy conditions. However, this matter does not form part of the Council's reason for refusal as cited upon the decision notice. Based upon the information before me, I cannot conclude that the living environment of existing occupiers would be substantially compromised in respect of noise.

9. Borden Parish Council objects to the proposal on the basis that the advertisements are already in place and the amount and size of the adverts are detrimental to the local environment. I have dealt with these matters above.
10. For these reasons, I conclude that the proposed 3 flag pole signs would not have a harmful effect on upon the amenity of the area. As such, the proposed development would comply with Policy DM15 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017", The Planning and Development Guidelines No.4 The Design of Shopfronts, Signs and Advertisements and the provisions of the National Planning Policy Framework (the Framework). These policies, guidelines and the Framework seek, amongst other matters, advertisements to be designed in a manner that minimises harm to amenity and public safety.

Conditions

11. I have considered the planning conditions put forward by the Council in light of paragraph 56 of the Framework and the Planning Practice Guidance. The proposal advertisement should be subject to the 5 standard conditions set out in Schedule 2 of the 2007 Regulations.

Conclusion

12. For the reasons set out above, and subject to the conditions listed, this appeal should be allowed.

Nicola Davies

INSPECTOR