



Appeal Decision

Site visit made on 15 October 2024

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/J2285/Z/24/3346314

The roundabout on the junction of Watling Street, Bean Lane and B225 Watling Street, Dartford, DA9 9SX

- 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 Marketing Force Limited against the decision of Ebbsfleet Development Corporation.
 - The application Ref is EDC/24/0017.
 - The advertisement proposed is Display of 4 non-illuminated free-standing advertising boards.
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Decision

1. The appeal is allowed and express consent is granted for the display of 4 non-illuminated free-standing advertising boards at the roundabout on the junction of Watling Street, Bean Lane and B225 Watling Street, Dartford, DA9 9SX in accordance with the terms of the application, Ref EDC/24/0017. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations.

Preliminary matters

2. The appeal is accompanied by a revised drawing of the proposed boards, submitted at appendix F to the appellant's appeal statement. The first change made to the drawing that was submitted at application stage is the addition of a bullet point in the notes at the bottom of the drawing indicating that the height of text used on the signage would measure between 10 and 20 cm. The second change is that the overall width of the advertisement would be reduced to 1016mm from the 1219mm referred to in the officer's report. These are not significant changes necessitating fresh consultation.
3. This appeal is one of a number that I am dealing with, for the same advertising boards to the same specification, made by this appellant. The planning officer's report referred to an earlier set of appeals in 2008 for similar advertising signs on some of the same sites¹. Some reliance is placed by the council on the fact that all of those earlier appeals were dismissed on both amenity and public safety grounds, asserting that the conclusions of that Inspector are applicable to the current set of appeal proposals.
4. However, there are a number of material changes since 2008 that have been put before me and that I need to take into account and may lead to decisions

¹ Appeal references APP/T2215/H/08/1203314, 1203315, 1203316, 1203317, 1203318, 1203319.

that differ from those made in the 2008 appeals. These include changes in the design of the proposed boards, the introduction of the National Planning Policy Framework (NPPF) in 2012, with subsequent revisions; the National Planning Practice Guidance (NPPG) on Advertisements in 2014; improved road safety, with a reduction in road traffic accidents; more recently adopted development plan documents, including the Local Plan of 2024, when the extant local plan at the time was from 1995; more recent publications concerning adverts and road safety, referred to by the appellant such as Transport for London's (TfL) Guidance for Digital Roadside Advertising and Proposed Best Practice (2013) (Appendix B) and the academic study by Oviedo-Trespalacios et al. (2019) (Appendix C).

Main issues

5. The main issues in this case are: i) the effect of the proposed advertisements on amenity; and ii) their effect on risks to public safety

Reasons

Planning policies

6. The most relevant development plan policies of the Dartford Plan (2024)² are Policies M1: Good Design for Dartford and M16: Active Travel, Access and Parking. In particular section 5 of Policy M1 should be noted. This reads: "5. *Signage and advertisements must be of a scale and design that is sympathetic to the building and locality, particularly in the designated Area of Special Advertisement Control, and must not have a negative impact on visual amenity, public safety or the safe and convenient movement of pedestrians, cyclists and vehicles*". Policy M16 includes the following: "1. *Development must be of a design and layout to promote walking, cycling and public transport use through provision of attractive, well-designed and safe routes which address the needs of users.*" and "3. *Adverse effects from the travel and movement issues associated with any development, including on amenity or the environment, must be minimised*".
7. As a material consideration of importance, the NPPF at paragraph 141, in relation to advertisements, states: "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*".

The advertisements

8. The advertisement boards are 1m high and 1.22m wide with the base set 300mm above ground level. The adverts are supported by two posts and are non-illuminated. The appellant advises that the advertisements would provide additional income for Kent County Council as the Highway Authority for the area to be used to support the management of Dartford's and Kent's Highways. The details submitted do not provide any detail as to the content of the advertisements, or that they relate to the locality. The drawing titled 'Sign Specification' shows an advertisement area illustrated with "SPONSOR'S

² Although this site is within the jurisdiction of the Ebbsfleet Development Corporation, the Dartford Plan 2024 is the relevant local plan and its policies are quoted in the refusal reasons.

ADVERT HERE". Below that on a widened part of the framework is a Kent County Council logo.

The effect of the proposed advertisements on amenity

9. The site is a large roundabout located at a junction between four highways, in an out-of-town location in close proximity to Kent Fastway and Bluewater Shopping Park. It is domed, covered by grass on a brick surround in which chevrons are picked out in dark bricks between the light coloured bricks. It also has metal chevrons and turn left signs mounted on poles, and lighting standards. The area is dominated by the highways, including the high level B255 with its overbridge across the A296. In addition, overhead pylons are prominent. It is away from residential and commercial development. Off-setting these features to a degree is the verdant, untamed vegetation, that borders the highway.
10. The amenity that it possesses is beneficial to highway users, in that it is utilitarian, easy to traverse and reasonably pleasant due to the trees and shrubby vegetation. This amenity value would not be harmed by the proposed advertisement boards. I therefore consider that the appeal proposal is in accord with policy M1 of the Dartford Plan and paragraph 141 of the NPPF.

Risks to public safety

11. The proposed advertisement boards are located on a relatively busy roundabout with the Watling Street exit leading onto the M2. In the vicinity of this roundabout there is a 50 MPH speed limit, although the presence of the roundabout tends to speeds below this in the relevant approach distance where the advertisements would be legible.
12. At paragraph 4 above I have made reference to publications that post-date the 2008 appeal decisions. The findings of TfL's Guidance for Digital Roadside Advertising and Proposed Best Practice (2013) cannot reasonably be confined to circumstances within its own geographical area, and therefore I find compelling the statement within Appendix B, quoted by the appellant that: *"Based on the literature review and on our own knowledge and experience of the field it is considered that there is no demonstrable proof that advertisements cause traffic collisions"*. This is reinforced by the quotations given by the appellant from the study by Oviedo-Trespalacios et al.
13. My driving experience is in accord with the conclusions of the documents referred to; in most circumstances, the proposed boards would not be so distracting that they would result in an unacceptable impact on public safety. That would be so in this case; I consider that they would not be prejudicial to the intentions of policy M1 of the Dartford Plan and paragraph 141 of the NPPF.

Conclusions

14. Having taken account of all matters raised, for the reasons that I have set out above, I conclude that the appeal should be allowed.

Conditions

15. In addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations, the council has suggested that a condition should be imposed requiring details of the final appearance of the sponsors' advertisement, to be

displayed on the boards, be submitted for approval by the Local Planning Authority, meeting the content of the appellant's 'Appendix 2 Ethical Framework'. I do not agree that this condition is necessary since the appellant is contractually obliged to send full details of the adverts' design to Kent County Council Highways Authority for their approval prior to creation and installation of the advertisements. Such approval should meet any concerns of the planning authority in this regard.

Terrence Kemmann-Lane

INSPECTOR