



Appeal Decision

Site visit made on 30 January 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/M2270/Z/24/3350147

Land on the south east side of North Farm Lane, Tunbridge Wells TN2 3EE

- 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 Wildstone Estates Limited against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 24/00938/ADV.
 - The advertisement proposed is the installation of two 48-sheet poster board with a digital advertising screen.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the advertisement consent was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Background and Main Issue

3. The provisions under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) require the local planning authority to assess the proposed development solely on the basis 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.
4. The main issue is the effect of the siting of the proposed advertisement on amenity, that being visual amenity.

Reasons

5. This location has a vegetated character and appearance that screens built development in the area from public view. The vegetation gives this area a verdant sylvan character. The advertisement would be a large feature at this location. Its elevated positioning, in addition to it being an illuminated advertisement, would make it a prominent and clearly visible feature. Furthermore, the advertisement would visually obscure a large part of the leafy character of the area when travelling east along Dowding Way.

6. This area has a less commercial character than that of the commercial development in the wider area. This change is noticeable when travelling along Dowding Way in either direction. Although the commercial area hosts a variety of signage, within the vicinity of the appeal site existing commercial signage is low key and is not generally of an illuminated nature. The sign, by virtue of its size and illumination would be an extremely noticeable feature at this location. It would be a visually dominant feature at this location that would be out of keeping and harmful to the verdant character of the area.
7. I acknowledge that the sign itself would be a modern display using high-quality materials. It is suggested that the level of illumination would not be a bright light, such as street lighting, but be more of a matt finish, such as that of that computer screen or television. Nonetheless, the advertisement would be noticeable during the hours of darkness, as can be seen from the image examples provided by the appellant. This would be a clearly visible display even if the illumination is sensed to create a dimmer display at night and there being street lights in the locality with ambient light from the wider commercial area. It would appear as an unsympathetic feature within this area both during the day and during hours of darkness.
8. It is suggested that the brightness of the sign could be controlled by appropriately worded conditions, such as those model conditions set out Appendix 1 of Technical Note 5 "The Brightness of Illuminated Advertisements including Digital Displays" (PLG05/23). The proposal would also be subject to the five standard conditions set out in the Regulations. However, given my above findings I do not consider such conditions would ameliorate my concerns sufficiently to allow consent to be granted.
9. The proposal is part of a nationwide project to upgrade traditional advertising hoardings to a modern digital format. The location is not subject to any statutory landscape or historic designations and is not located within a conservation area or any national landscape or other designated landscape or near to any listed buildings. The proposal would bring about environmental benefit by reducing travel to replace the advertisement display and discarded displays going to landfill. There is a social benefit as the display could be used for non-commercial purposes, such as by charitable companies or used for public art, when void periods of advertisements happen. It could also display emergency messages. Whilst these are benefits of the proposal, they do not outweigh my concerns relating to the amenity of the area, nor would they justify the proposal.
10. For these reasons, I conclude that the siting of the proposed advertisement would harm amenity, that being visual amenity. I have taken into account Core Policies 4 and 9 of the Tunbridge Wells Borough Core Strategy 2010, Policy EN1 of the Tunbridge Wells Borough Council Local Plan 2006 and Policies EN1, EN7 and EN8 of the Submission Local Plan 2021 and the provisions of the Framework that require development to be of a high-quality. Given that I have concluded the proposal would harm amenity, the proposal conflicts with these policies.
11. My attention has been drawn to other examples of advertisement consents that are said to be in a similar context to that of this appeal site. However, those sites are at different locations within other administrative areas where different development plan policies and considerations will have applied. This proposal can and should be considered on its own individual merits.

Conclusion

12. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR