



Appeal Decision

Site visit made on 14 April 2023

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th May 2023

Appeal Ref: APP/X2220/Z/22/3299066

Sandwich Road, Sholden, CT14 0FG

- 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 Abbey Developments Ltd against the decision of Dover District Council.
 - The application Ref 22/00325, dated 3 March 2022, was refused by notice dated 20 April 2022.
 - The advertisement proposed is to display 1no. Non illuminated signage board.
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Decision

1. The appeal is allowed and express consent is granted to display 1no. non illuminated signage board 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: -
 - a. 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.
 - b. No advertisement shall be sited or displayed so as to -
 - i. Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - ii. Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - iii. Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - c. 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.
 - d. 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.
 - e. 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.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out that advertisements are subject to control only in the interests of amenity and public safety. In this case the Council's refusal decision relates to both matters.
3. The signage board has been installed; therefore, I was able to view it in place at the time of my site visit.

Main Issues

4. The main issues relating to this appeal are the effect of the proposed advertisement upon amenity, that being the visual amenity of the area, and public safety, in regard to highway safety.

Reasons

5. The sign is positioned just within the boundary of a large field that I saw was subject to residential construction works at the time of my visit. The sign is positioned alongside the A258, an arterial highway leading to and from Deal. There is a pedestrian crossing within close proximity of the sign. The proposal seeks to retain the display sign at the edge of the field that faces towards the A258.
6. There is street furniture near the site relating to the pedestrian crossing. Along the boundary of the site is some vegetation. The sign is clearly visible to those passing the site and to those who reside in the residential development opposite the site. It is therefore a noticeable feature. The nature of the sign requires it to be visible to be effective. Nonetheless, the size and height of the sign is not unduly out of keeping with the height and size of other street furniture and existing vegetation in the locality. As such, I do not consider the sign to appear overly visually intrusive or dominant in this location that might render it visually harmful within the area.
7. The purpose of the sign is to provide an advertisement that relates to the development of the land upon which the sign has been placed. In this regard I do not consider the sign to be poorly placed.
8. The sign is located adjacent the busy A258 highway, close to a right-hand turn into the residential estate opposite and within close proximity to the pedestrian crossing and public footpaths. The sign is clearly visible to drivers passing the site and to those traversing the nearby junction and pedestrian crossing and footways. It is a single sign and does not incorporate any illumination. I do not consider the sign to host such a visual draw that would be so distractive or confusing that would divert attention such that it would create a hazard. Consequently, I do not find that the sign would significantly endanger the safety of those using the adjacent vehicular and pedestrian highways or those junctions/crossings nearby.
9. For those reasons given above, I conclude that the proposed advertisement would not harm amenity, that being the visual amenity of the area, or public safety, in regard to highway safety. As such, the proposed advertisement would not materially conflict with paragraph 136 of the National Planning Policy Framework that requires the interest of amenity and public safety to be taken into account.

Other Matters

10. Sholden Parish Council suggest that the sign would project over a public right of way, the Miners Way, and Sandwich Road. However, the submission details show the sign to be positioned abutting the wire fence boundary of the field. There is no clear indication that the sign would project over or obstruct any pathways or highways.

Conditions

11. Schedule 2 of the 2007 Regulations sets out five standard conditions to be imposed in the event that express consent is granted. These are relevant to this case and should be imposed.

Conclusion

12. Having regard to the above the appeal should be allowed.

Nicola Davies

INSPECTOR