



Appeal Decision

Site visit made on 18 January 2017

by **Mr Kim Bennett BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st February 2017

Appeal Ref: APP/V2255/Z/16/3158208

FCS Trade Sales, Horsham Lane, Upchurch, Kent ME9 7AL

- 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 Mrs Tracy Ferguson against the decision of Swale Borough Council.
 - The application Ref 16/500488/ADV, dated 21 March 2016, was refused by notice dated 15 July 2016.
 - The advertisement proposed is 2 non- illuminated fascia signs attached to each side of the site boundary and 1 non-illuminated triangular freestanding sign.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of sign 2 (left hand side of main entrance) on the visual amenities of the area.

Procedural Issue

3. The application was for the continued display of 3 non- illuminated signs but the description on the application form cross referenced to attached photographs. I have therefore adopted the description as set out on the Council's decision notice for clarification purposes.
4. In reaching a decision on the application, the Council issued a split decision. Advertisement consent was granted for the triangular freestanding sign and one non-illuminated fascia sign annotated as sign 1 on the plans. However consent was refused for the second non-illuminated fascia sign annotated as sign 2 on the plans. The appeal therefore is only in respect of sign 2.

Reasons

5. The appeal site is at the entrance to a car sales and showroom complex which is located on the northern side of Horsham Lane and to the west of the main village of Upchurch. There are mature hedgerows on either side of the road but beyond that open countryside to the north and south giving a rural character to the area.
 6. Given its location and the need for some form of advertisements to identify its presence, the Council has granted consent for a freestanding sign at the site
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frontage and a fascia sign (sign 1) attached to a metal fence on the right hand side of the site entrance. Given that, the appellant considers there is no good reason to resist the sign on the left hand side of the fence (sign 2), which is the subject of this appeal, particularly as it is set well back from the road. All three signs were displayed at the time of my site visit.

7. The sign in question is some 13 metres long and because of its position attached to the top of the fence, stands at a maximum height of 3 metres above the ground, although the sign itself is only 610mm deep. It is particularly prominent because of the bright pink lettering adopted.
8. I acknowledge that both fascia signs are not prominent in wider views when approaching from either direction because of the tall hedgerows, but they are particularly apparent when passing the site, to both occupiers of vehicles and pedestrians walking past, as well as to users of the fishing lakes to the north, the access to which adjoins the site. In my view the extensive horizontal size of sign 2, together with its bright colour, and in addition to the signage granted for sign 1, has resulted in a proliferation and unnecessary extent of signage at the premises. Because of that, it detracts from the visual amenity of this rural location and causes visual harm as a result. I also note that the information on sign 2 largely replicates that of sign 1 and therefore there seems no good reason why the additional signage is necessary, given that the basic advertisement requirements to identify the location of the site appear to have been met by the Council in granting consent for the 2 other signs.
9. I note the appellant's comments about the relationship with the Parish Council and the extent of investment in the site, but those issues are beyond the scope of the Advert Regulations where the power to control advertisements are exercisable only in the interests of amenity and public safety. They have therefore had no bearing on my findings above.
10. For similar reasons, in terms of scope of the Regulations, although the Council has referred to a number of policies and guidance, I have taken them into account only as material considerations and they have not in themselves been decisive. However, I note in passing that because of my findings, sign 2 would not protect the countryside and would not respond positively to the character of the locality and would thereby be contrary to Policies E6 and E23 of the Council's Local Plan 2008.
11. No objections have been raised by the Council in respect of public safety and I see no reason to come to a different view.
12. For the above reasons sign 2 causes harm to visual amenity and accordingly the appeal should be dismissed.

Kim Bennett

INSPECTOR