



The Planning Inspectorate

Appeal Decision

Site visit made on 26 April 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 MAY 2021

Appeal Ref: APP/V2255/Z/21/3269443

Land of Thanet Way, Hernhill, Faversham ME13 9SP

- 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 Gold (Faversham) Ltd against the decision of Swale Borough Council.
 - The application Ref 20/505914/ADV, dated 11 December 2020, was refused by notice dated 9 February 2021.
 - The advertisement proposed is a display of one 3.048m (height) x 1.524m (width) timber mounted advertisement board, on the Thanet Way A299 frontage.
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Decision

1. The appeal is allowed, and express consent is granted for a display of one 3.048m (height) x 1.524m (width) timber mounted advertisement board, on the Thanet Way A299 frontage, and is subject to the 5 standard conditions set out in the Regulations and the following additional condition:
 - the advertisement board permitted by this consent shall be removed from the site no later than 18 months from the date of this decision.

Background and Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the *National Planning Policy Framework* (the Framework) and *Planning Practice Guidance* (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council's reasons for refusal refer to Policies CP4 and DM15 of the 'Bearing Fruits 2031', Swale Borough Council Local Plan, 2017 (SBCLP), and requirements contained within the Supplementary Planning Guidance – 'The Design of Shopfronts, Signs and Advertisements' (SPG). I have taken these Policies into account insofar as they relate to amenity.
3. However, the Council and the Kent Highways department raise no objection to the proposed advertisement in respect of public safety. Having assessed the proposal, I see no reason to disagree. The main issue in this case is therefore, the effect of the advertisement board on amenity.

Reasons

4. The appeal site is adjacent to the southwest boundary carriageway of the A299 Thanet Way highway where bridges and traffic guidance signage can be seen in both directions. The site is located next to open and hedged fields while on the opposite side of the road there is a snack bar/lay-by with agricultural type land beyond. There are long views of the countryside and sporadic development to the rear of the site.

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Appeal Decision APP/V2255/Z/21/3269443

5. The proposal is for an advertisement board related to a development site on the former 'Silver Sands' garden centre site which can be seen nearby. The V-shaped advertisement board is already in place, and retrospective consent is now sought for a non-illuminated, timber frame advertisement board, with a green, red and white design, that is approximately 3m high and 1.5 metres wide with a 2m timber stand below.
6. My attention has been drawn to an Appeal¹ of relative vintage for an advertisement adjacent to a dual carriageway nearby. However, I have limited details of that scheme before me and have considered the proposal on its own merits. As such, I acknowledge that the advertisement board is placed approximately 300m away from the development site it seeks to promote. However, I noticed at my site visit that the relatively muted colouring and modest lettering of the board does not appear overly prominent in this roadside location. Indeed, while there are a limited number of properties that can be seen in the longer views, the simple board with its low-key design blends with, and is softened by, the surrounding hedging and trees, and hence appears subordinate to the hard surfaces and engineered structures of the A299, its associated signage, and the lay-by snack bar opposite.
7. Therefore, I am satisfied from all that I have seen and read, including my visit to the site and the surrounding area, that the proposed temporary board would not result in harm to amenity, either in terms of wider visual amenity along the A299, or to the amenities of the surrounding properties. I have taken into account Policies CP4 and DM15 of the SBCLP, as supported by the SPG, which seek to protect amenity and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these Policies.

Other matters

8. I note the concerns of interested parties, which include amongst other things, issues related to ownership of the land, longevity of the proposal and the benefits related to the 'Considerate Constructors Scheme'. Nonetheless, I am satisfied I have all the relevant evidence before me, and hence while I acknowledge these concerns, they do not warrant dismissal of the appeal.

Conditions

9. I have considered the imposition of conditions in light of the Framework, PPG and the Regulations. As such, in addition to the 5 standard conditions set out in the Regulations I have imposed a time limited condition. For certainty, this condition has been limited to 18 months as I cannot be sure how or by whom the completion of sales related to the advertised development will be monitored and agreed.

Conclusion

10. For the reasons set out, I conclude that the appeal should be allowed subject to the conditions set out above.

J E JOLLY

INSPECTOR

¹ APP/V2255/Z/19/3227552