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## Appeal Decision

Site visit made on 20 May 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

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**Appeal Ref: APP/V2255/Z/24/3355660**

**Land at junction of Fox Hill and Blossom Street, Bapchild, Sittingbourne.**

- 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 Co-operative Group Food Ltd against the decision of Swale Borough Council.
  - The application Ref is 24/503158/ADV.
  - The advertisement proposed is 1 no. internally illuminated totem sign.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to control only in the interests of amenity and public safety. While not decisive, I have taken the relevant development plan policies into account as a material consideration.

### Main Issue

3. The Council does not object to the effect of the proposed advertisement on public safety. Following my site visit, I see no reason to disagree with this assessment, subject to the suggested controls on luminance.
4. Therefore, the main issue is the effect of the proposal on the visual amenity of the area.

### Reasons

5. The appeal site is located at the north-east corner of the traffic-light controlled junction of Fox Hill (the A2) and Blossom Street. Fox Hill is lined with dwellings and has a spacious character given the deep grass verges either side of the street. Blossom Street leads off Fox Hill into a residential development known as Spring Acres that is partly still under construction. There is a commercial area that has yet to be occupied; this is not visible to eastbound traffic travelling along Fox Hill. There is a substantial green area on the east side of Blossom Street, which also borders Fox Hill. This large green area, along with the generous grassed verges to Fox Hill and the other side of Blossom Street lend the area an open character with a verdant backdrop to the east of Blossom Street.
6. The proposed totem sign would be located in a prominent position at the north-east corner of the junction where Fox Hill meets Blossom Street. It would be viewed against the open field and sky. As a consequence, it would appear as a dominant feature in the streetscape and would be incongruous against the semi-rural backdrop in this location.

7. There are currently other advertisements in the form of 3 flags and a large developers' marketing board adjacent to the appeal site. Whilst these are significant structures in themselves, they are temporary for the purposes of advertising the availability of new homes. Even with those advertisements in place, the proposed totem would appear as an unduly prominent feature, being significantly taller than the adjacent marketing board and significantly bulkier than the flag advertisements. It would add to a proliferation of advertisements on this corner. As the marketing boards and flats would not be a permanent feature, once removed, the proposed totem sign would appear as an isolated, prominent and visually intrusive feature in the street scene.
8. I note the presence of the 'Spring Acres' sign opposite the appeal site which takes the form of individual letters set against the backdrop of new homes. In terms of its style and form, it is not a comparable design to the appeal proposal. Its presence does not lead me to draw a different conclusion as to the appeal proposal's effect on visual amenity.
9. Although my attention has been drawn to the potential for future residential development in the open space behind the appeal site, I have not been referred to a specific scheme and no construction in that location was underway at the time of my site visit. I have necessarily made my assessment on the evidence before me and based on my observations on site.
10. The Council indicates that the materials and illumination would be appropriate in terms of their effect on the visual amenity of the area, and I see no reason to disagree. This does not however overcome the harm I have already identified to the streetscene.
11. For the reasons set out above, I conclude that the scale and location of the proposed totem sign would harm the visual amenity of the area. Although not determinative, I have taken into account Policies CP4 and DM14 of the Swale Borough Local Plan (2017) and the Shopfronts, Signs and Advertisements Supplementary Planning Guidance (2011) insofar as they require proposals to be of a high-quality design that is sympathetic and appropriate to the location.

#### **Other Matters**

12. The appellant indicates that the convenience supermarket is located such that it does not have the opportunity to attract passing trade. At the time of my site visit, it appeared to be in the process of being fitted out and has yet to open. There is little compelling evidence before me which would lead me to conclude that a totem advertisement in the location and form proposed would be required to attract passing trade. In any event, these matters have limited bearing on my decision given that the Regulations require that I exercise my powers only with regard to amenity and public safety.

#### **Conclusion**

13. For the reasons given above the appeal should be dismissed.

*L Francis*

INSPECTOR