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# Appeal Decision

Site visit made on 21 June 2022

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

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**Appeal Ref: APP/V2255/Z/22/3298145**

**Aldi Foodstore, Tettenhall Way, Faversham ME13 8ZB**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
  - The appeal is made by Aldi Sheppey (on behalf of Aldi Stores Ltd) against the decision of Swale Borough Council.
  - The application Ref 21/506833/ADV, dated 22 December 2021, was refused by notice dated 10 March 2022.
  - The advertisement proposed is for one internally illuminated wall mounted logo sign.
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## Decision

1. The appeal is allowed and express consent is granted for one internally illuminated wall mounted logo sign at Aldi Foodstore, Tettenhall Way, Faversham ME13 8ZB in accordance with the terms of the application Ref 21/506833/ADV, dated 22 December 2021. 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 and the following additional conditions:
  1. The maximum level of illumination of the sign permitted by this consent shall be no more than 108 c/m<sup>2</sup>.
  2. The sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

## Main Issue

2. The main issue in the determination of this appeal is the effect of the proposal on the visual amenity of the area.

## Reasons

3. Amenity is not defined within the Regulations, nonetheless relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In assessing amenity, it is reasonable to consider characteristics of the neighbourhood.
4. The appeal site comprises a supermarket and lies alongside the A251 Ashford Road. Immediately to the south of the site are open fields, and further in this direction is the M2 and associated slip road to the A251. The site currently displays a number of advertisements and there are other signs in the area, largely associated with a hotel just beyond this land towards the north. A recently developed housing estate is situated to the west.

5. The proposed advertisement would be positioned on the elevation facing the fields and the M2. It would not therefore be overly prominent when viewed from the other commercial and residential uses in the local area. The design of the advert is fairly simple, and would not contain any moving images or other animation.
6. The Council argues that the the area to the rear of the supermarket which is where the sign is proposed is not a commercial area, it does not provide access to the supermarket and is not characterised by commercial signage or activity.
7. Whilst I acknowledge the Authority's approach, to my mind the proposal would be seen against the mass of the existing supermarket building. Given the presence of the commercial uses in the vicinity the advertisement would not appear obtrusive. I have no evidence to suggest that the adjoining fields are of any important scenic, historic, architectural or cultural value. The design would be functional, and in the context of its surroundings it would not appear as an incongruous feature or harm the visual amenity of the area.
8. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policies DM14 and DM15 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017 and the provisions of the SPD seek to ensure advertisements respond positively to the character of a locality and minimise harm to amenity. As such, these are considered material considerations insofar as they relate to this appeal.
9. I conclude, therefore, that the advertisement would not have a harmful effect on the visual amenity of the area. The scheme would meet with the objectives of the above policies.

### **Conditions**

10. In addition to the 5 standard conditions, I have also imposed conditions as put forward by the Council, to control the level of luminance and hours of operation. They are necessary in the interests of visual amenity. Where necessary I have adjusted the wording of these conditions for preciseness.

### **Conclusion**

11. For the reasons given above I conclude that the appeal should be allowed.

*C Hall*

INSPECTOR