



# Appeal Decision

Site visit made on 21 September 2022

by **David English BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 11 October 2022**

---

**Appeal Ref: APP/N1350/Z/22/3303365**

**Land at former Dainton site, Yarm Road, Darlington DL1 4JN**

- 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 Town & Country Advertising Limited against the decision of Darlington Borough Council.
  - The application Ref 22/00398/ADV, dated 13 April 2022, was refused by notice dated 25 May 2022.
  - The advertisements proposed are the display of 2 No. LED signboards.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The location of the proposed advertisements is described variously in the evidence, which refers to current and former businesses at the site. I have taken the location of the site largely from the application form. In any event, the location is clear from the plans.

## Main Issues

3. The main issues are the effect of the advertisements on visual amenity and highway safety.

## Reasons

### *Visual Amenity*

4. The appeal proposal comprises a 'V'-shaped pair of digital advertising hoardings that would be erected on columns in the grass verge of Yarm Road at its light-controlled junction with Lingfield Way. The signs would face traffic travelling in both directions along Yarm Road which is a green and pleasant route, tree-lined in parts in the vicinity of the appeal site, providing access to, and passing through, a modern commercial area. Wide areas of maturing vegetation along both sides of Yarm Road contribute significantly to the visual appeal of the area.
5. Buildings in the area are generally large and set well back from the highway in substantial grounds and are mostly seen from Yarm Road only partially in glimpses between trees and blocks of shrub planting. The plans show the hoardings appearing above an immediately adjacent block of dense shrubs which, at the time of my site visit, were at least 3 metres above ground level. As a result of their positioning close to the highway, the hoardings would not

sit well with nearby buildings, they would not be contained by surrounding landscaping, rather they would sit alone as large prominent structures towering above the adjacent block of shrubs.

6. Existing advertisements in the vicinity are limited to a handful of non-illuminated boards and banners nestled within vegetation and set back from the carriageway. While the proposals would not appear to clutter the area, and they would have no cumulative impact in respect of their association with other nearby signs, they would be significantly different in character to those few existing signs by virtue of their size, height and proximity to the carriageway. This would introduce a new and incongruent feature to the area.
7. Illumination would draw attention to the prominence of the hoardings which, notwithstanding the commercial nature of uses in the area, is mostly characterised by substantial vegetation giving the feeling of being in an area of transition from rural to urban and vice-versa. Expectations of highway users in respect of advertisements likely to be seen in the area would be tempered by this impression. The proposals would therefore appear as large, intrusive and alien features when set against their prevailing backdrop.
8. The proposals would have a dominant and intrusive appearance for the reasons I have set out and this would be harmful to visual amenity.
9. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material in respect of amenity. Policy DC4 of the Darlington Local Plan 2016-2036 (February 2022) ('the Local Plan') which seeks to protect amenity, is material in this case. Given that I have concluded that the proposals would harm visual amenity, they would conflict with this policy.

#### *Highway Safety*

10. Whilst this section of Yarm Road is subject to 40mph speed limits, I saw that traffic tended to approach the signalised junction with caution and at reduced speeds which is consistent with the anticipation drivers would reasonably be expected to demonstrate at such junctions.
11. Traffic controls and directional signage at or near to the junction is not complicated or uncommon in respect of such junctions. The proposed hoardings would be readily visible for some distance when approaching from either direction on Yarm Road. Accordingly, highway users would see the signs in context, standing apart from other sources of information, in sufficient time to react safely to directional signage and to the traffic lights thereby ensuring highway safety is maintained. The movement of pedestrians and cyclists are unlikely to be a distracting feature given that such movements across the carriageway would normally be expected to arise when traffic has stopped.
12. The position of the hoardings in an area between, and set back from, the traffic light columns on Yarm Road is such that neither would obscure views of the traffic lights. The hoardings would be at or near to a position perpendicular to Yarm Road and their displays would not be easily visible from Lingfield Way. Given their positioning, the displays on the hoardings would not cause distraction from any approach to the junction to the extent that they would result in harm to highway safety.

13. The effect of the advertisements would not cause harm to highway safety for the reasons I have set out.
14. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material in respect of public safety. Policy IN1 of the Local Plan seeks to ensure that development impacts are mitigated at key junctions and is therefore material in this case. I have concluded that the proposals would not cause harm to highway safety, and they would therefore not conflict with Policy IN1. However, this does not mitigate the harm to visual amenity I have identified.

### **Other Matters**

15. Digital advertisement hoardings may bring benefits in terms of opportunities for their use in public announcements and for non-commercial purposes. They may also stimulate and support commercial and economic activity. However, recognising that The National Planning Policy Framework ('the Framework') indicates that advertisements are subject to control only in the interests of amenity and public safety, taking account of cumulative impacts, these are not matters to which I can have regard. The necessity for advertisements is not a matter related to the interests of amenity or public safety and, having regard to the Framework, this is also not a matter to which I can have regard.

### **Conclusion**

16. Although I have not found harm to interests of public safety, I have to the issue of visual amenity, and that is the prevailing consideration. Therefore, for the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

*David English*

INSPECTOR