



DEPARTMENT OF THE ENVIRONMENT

Room TX 308

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218

577

 PLANNING DEPARTMENT
 DACORUM DISTRICT COUNCIL
 Switchboard 0272-218811
 GTN 2074

Bush Signs Group Ltd 186 Old Shoreham Road Hove East Sussex BN3 7DZ	I.C.P.M.	D.P.	Your reference
	Received 30 AUG 1990		GPF/VP Our reference
	Comments		APP/A1910/H/90/0552 Date 29 AUG 90

Gentlemen

 TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1989
 APPEAL: WEST HERTS TOYOTA, LEIGHTON BUZZARD ROAD, WATER END, HEMEL HEMPSTEAD

1. I am directed by the Secretary of State for the Environment to refer to the appeal of your clients, West Herts Toyota, against Dacorum District Council's refusal to permit the display, at the above-mentioned premises, of an externally illuminated pole sign measuring 1.89m x 0.40m at an overall height of 4.86m. The submissions of the parties to the appeal have been considered and an officer of the Department has inspected the site which lies within an Area of Special Control of Advertisements in accordance with an order made under Regulation 18 of the Town and Country Planning (Control of Advertisements) Regulations and approved by the Secretary of State.
2. The description of the appeal site and its surroundings contained in the Council's statement, enclosed with their letter of 22 May, is accepted.
3. In considering the suitability of the premises for the display of the proposed advertisements, the Secretary of State has noted your comments about other advertisements displayed in the area. However, Regulation 4(1)(a) enables the Council, or the Secretary of State on appeal, to disregard any advertisements being displayed in a locality, when assessing its general characteristics and its suitability for the display of advertisements; and it is proposed to exercise that discretion in determining this appeal.
4. With regard to amenity, the premises are in a countryside location close to the boundary of the Chilterns AONB, within an Area of Special Control of Advertisements, where more strict control exists in order to protect the character and appearance of the locality. The appeal sign would be sited at the north-west corner of the site, well forward of, and somewhat isolated from, the showroom and workshops. It would measure about 1.89m x 0.40m and would be displayed mounted on a pole at an overall height of about 4.86m. It would be double-sided, constructed of moulded acrylic panels with red letters on a white background and would be externally illuminated. It is considered that, because of its height, siting in relation to the premises, bright colours and illumination the sign would stand out as an unduly prominent and obtrusive feature in this rural setting. It is therefore concluded that the display of the proposed externally illuminated pole sign would be detrimental to the interests of amenity.



5. With regard to public safety, the Council are concerned that, because of its height and siting the appeal sign would impinge on the visibility sightline to the north west associated with the existing vehicular access to the car showroom and workshop premises, whereas you have claimed that the sign would benefit public safety by indicating the presence of the premises to approaching traffic thereby reducing the likelihood of sudden braking or turning manoeuvres. The appeal sign would be sited close to the roadside at the north-western corner of the premises which are set-back on the southern side of a busy main road. However, bearing in mind that it would be mounted on a narrow pole with an underside clearance of almost 3m, it is thought that there would be no significant impairment of sightlines. Furthermore, the premises are set-back from the road and are not readily visible to approaching traffic, particularly from the north-west until close to the entrance. It is therefore considered reasonable that suitable signage announcing the premises should be displayed on the frontage. However, whilst the appeal sign would meet this requirement, it is considered that a smaller, less obtrusive sign, possibly sited nearer the entrance, so that it would be viewed from the countryside opposite against the background of the showroom, would also do so. It is therefore concluded that the display of the appeal sign would not be against the general interests of public safety and that, although it would be of benefit in this regard, there is no overriding justification for the display of the sign on public safety grounds.

6. Accordingly, the Secretary of State dismisses the appeal.

I am Gentlemen
Your obedient Servant



M J SAINSBURY
Authorised by the Secretary of State
to sign in that behalf

Department of the Environment
Tollgate House
Houlton Street
Bristol
BS2 9DJ

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1989
APPEAL TO THE HIGH COURT - APPLICABLE TO ALL APPEALS

1. Under the provisions of Section 288 of the Town and Country Planning Act 1990 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date of the accompanying letter.

2. The grounds upon which an application may be made to the Court are:-

a) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or

b) that any of the relevant requirements have not been complied with, and that the applicant's interests have been substantially prejudiced by the failure to comply.

3. The "relevant requirements" are defined in Section 288 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any Order, Regulations or Rules made under those Acts, or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Control of Advertisements) Regulations 1989 (SI 1989 No 670) and the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No 419).

4. A person who thinks he may grounds for challenging the decision should seek legal advice before taking any action.

INSPECTION OF DOCUMENTS - APPLICABLE ONLY TO APPEALS WHICH WERE THE SUBJECT OF A HEARING

5. Under the provisions of Rule 13(3) of the Town and Country Planning (Inquiries Procedure) Rules 1974 any person entitled to be notified of the decision given in the letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, or the supply to him of the report, whichever is the later, for an opportunity of inspecting any documents, photographs, and plans appended to the report. Such documents etc, are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference No. shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days notice should be given, if possible.