

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

26 SEPTEMBER 1996

SUBJECT: ADVERTISEMENT CONSENT APPEAL DECISION  
LAND ADJACENT TO B954, NEWTYLE, ANGUS

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

**Abstract:** This report presents the findings of the Reporter appointed by the Secretary of State to determine the appeal against the refusal by Angus District Council to grant advertisement consent for a sign on land adjacent to the B954, Newtyle, Angus.

**1 RECOMMENDATION**

It is recommended that the Committee note the successful outcome of the above appeal.

**2 INTRODUCTION**

2.1 With reference to Angus District Council minute 887/95, the Planning and Development Committee at their meeting on 18 December 1995 refused advertisement consent for the erection of signs on two sites, one at each end of Newtyle on land immediately adjacent to the B954, Dundee/Newtyle/Meigle road. (Ref. No. 03/95/1033).

2.2 The applicant, Mrs. Millar, appealed against the refusal and the Inquiry Reporter's conclusion and decision are presented below.

**3 REPORTER'S DECISION**

3.1 I note the arguments concerning the National Policy contained in SOD Circular 27/1995. This contains guidance for roads authorities about the signposting of tourist facilities on the standard white on brown tourist information signs seen throughout the country. The development under appeal does not involve such signing and the policy contained in that circular is not directly relevant to this determination.

3.2 Regulation 4(1) limits the exercise of the powers over the control of advertisements solely to the interests of amenity and public safety, and these matters are elaborated in Regulation 4(2). Accordingly, on the basis of the site inspection and my consideration of the written submissions, I find that the signs which have been erected have no implications for public safety. In my judgement the determining issue in this appeal is therefore whether the display is in the interest of amenity.

3.3 With regard to amenity, the Secretary of State's policy, contained in SDD Circular 10/1984, states that advertisements are an integral part of modern commercial life and that their presence in many street scenes will enhance and improve the

environment by adding colour and interest. Planning authorities are therefore encouraged to consider proposals for the display of advertisements in as favourable a light as possible. The policy also recognises that planning authority guidance may often serve a useful purpose but points out that failure to conform with policy should not be cited as a sole reason for refusal of express consent and that each application must be considered on its own merits. I find that the Council's Advice Note 7 provides useful guidance of that sort and I note that it has been altered recently to deal with the situation encountered in this case. Those alterations are not contained in the version of the policy produced on behalf of your client. I find that the signs which have been erected do not meet all the criteria and, consequently, are not consistent with the policy.

- 3.4 Newtyle is an attractive village set in scenic countryside where careful control over advertisements has evidently ensured that the maintenance of that character. I have considered your arguments and also assessed for myself, the visual effect of the signs erected by your client. I find that these are detrimental to visual amenity as are the other signs which have been erected. I therefore conclude that the Council's decision to refuse advertisement consent was justified and that there are no grounds which would warrant an interim consent to which you have referred. That assessment is reinforced by the fact that the business is capable of being advertised on the same road frontage on which the signs have been erected and in a manner which need not have this adverse visual effect.
- 3.5 Accordingly, in exercise of the powers delegated to me, I hereby dismiss your client's appeal. I have taken account of all other matters raised in the submissions but these do not raise outweigh the considerations on which my decision is based.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications.

#### **5 CONSULTATION**

- 5.1 The Director of Law & Administration and Director of Finance have been consulted in the preparation of this report.

#### **NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/RMcN/IAL  
18 September 1996

Alex Anderson  
Director of Planning, Transport & Economic Development