

E/0183/46/11

DISPLAY OF ADVERTISEMENT ON TRAILER FOR DAVID WILSON HOMES AT FIELD NO 8800 ST 1719 OFF FIVE CROSS WAY ADJACENT TO M5 MOTORWAY NEAR JUNCTION 26, WEST BUCKLAND.

OCCUPIER: ALTERNATIVE ADVERTISING LTD ACTING FOR DAVID WILSON HOMES

OWNER: MR RICHARD LEITNER, MILLERS FARM, WEST BUCKLAND, WELLINGTON, SOMERSET, TA21 9LE

PURPOSE OF REPORT

To consider whether it is expedient to instigate prosecution proceedings in respect of the unauthorised advertisement in order to secure its removal.

RECOMMENDATION

The Solicitor to the Council be authorised to commence Prosecution proceedings in respect of the unauthorised advertisement.

SITE DESCRIPTION

The site comprises an agricultural field on the southern side of the motorway between Junction 26 and Taunton Deane Services. The field is accessed off Five Cross Way and is about 150 metres to the west of Millers Farm.

BACKGROUND

The sign was noticed on 29th June 2011 and brought to the attention of the Enforcement Officer. Contact was made with David Wilson Homes who benefit from the advertisement and they advised that they would contact the advertising agency they used (Alternative Advertising). Alternative Advertising then contacted the office and advised they could not move the sign until later due to other commitments.

The owner of the land, Alternative Advertising and David Wilson Homes were advised that the sign was unauthorised and should be removed in order to avoid Prosecution Action being taken. To date the sign continues to be displayed.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The advertisement comprises a large sign on a trailer advertising homes for sale by David Wilson Homes. It is not on a construction site where some types of sign benefit from deemed consent (subject to size restrictions). No application has been submitted and the sign does not benefit from express consent.

The display of an advertisement without consent is contrary to Section 224 of the Town and Country Planning Act 1990. It is an offence to display such advertisements in contravention of the Regulations, which is triable in the Magistrates Court with each sign or poster a separate offence. This applies to the owner or occupier of the land on which the unauthorised advertisement is displayed or anyone who has derived benefit from its display.

RELEVANT PLANNING HISTORY

None

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

Circular 03/07 - The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Taunton Deane Local Plan 2004

EC26 – Outdoor Advertisements and Signs

DETERMINING ISSUES AND CONSIDERATIONS

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that control over advertisements should be exercised in the interest of amenity and public safety.

The sign by virtue of its siting in a prominent position adjacent to the M5 motorway represents an unnecessary commercial intrusion into open countryside that results in demonstrable harm to the visual appearance of the area.

It is considered that the purpose of the sign is to attract the attention of those travelling in vehicles along the Motorway and therefore likely to distract drivers attention from the road ahead. This could give rise to an adverse impact on public safety.

The sign therefore is considered to be contrary to Policy EC26 of the Taunton Deane Local Plan and advice in PPG19

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

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