

Taunton Deane Borough Council

Planning Committee – 17 August 2011

DISPLAY OF ADVERTISEMENT FOR PERSIMMON HOMES ON LAND SOUTH OF FOOTBRIDGE AT WALFORD CROSS, ADJACENT TO M5 MOTORWAY, CREECH ST MICHAEL E/0217/14/11

OCCUPIER: PERSIMMON HOMES (SOUTH WEST)

OWNER: UNKNOWN

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 northern side of the motorway between Junction 25 and Walford Cross and is just south of a footbridge over the motorway.

BACKGROUND

Members will recall that an unauthorised advertisement was displayed adjacent to the southbound carriage of the M5 in July. Authorisation was given but the sign was removed before further action could be taken. A similar sign is now being displayed on the northbound carriageway advertising the same company, Persimmon Homes.

The Technical Director has been contacted advising him that the sign is unauthorised and must 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 Persimmon Homes but not a specific development. 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

CONTACT OFFICER: Mr J A W Hardy 01823 356466