



# The Planning Inspectorate

*An Executive Agency in the Department of the Environment and the Welsh Office*

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Mr Michael Berkeley  
Nestling House  
Littlebeck  
Whitby  
YO22 5EY

Your Ref:

Our Ref: APP/W9500/H/96/1217

Date: 30 SEP 1996

Dear Sir

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)  
REGULATIONS 1992  
APPEAL: LAND AT OS 7107 AND 8621, BLUE BANK HILL, SLEIGHTS,  
NEAR WHITBY  
APPLICATION NO: NYM4/034/2517/AA**

1. I am directed by the Secretary of State for the Environment to refer to your appeal against North York Moors National Park Committee's refusal to permit the display, at the above-mentioned locations of two non-illuminated, post-mounted directional signs, each measuring 1.14m x 0.41m, at an overall height of about 1.77m. The Secretary of State's decision has been made on the basis of the written representations, the submitted photographs and an inspection of the site by an officer of the Inspectorate.
2. The general description of the locations of the two signs, contained in the local planning authority's statement received in the Inspectorate on 16 August 1996, is accepted.
3. The local planning authority have drawn attention to their advertisement and general planning policies and to Section 54A of the Town and Country Planning Act 1990. This Section requires that where, in making any determination under the Planning Acts, regard is to be had to the development plan, it shall be made in accordance with the plan unless material considerations indicate otherwise. However, this appeal is to be determined under the Control of Advertisements Regulations in which Regulation 4(1) requires regard to be had only to "amenity" and "public safety", taking account of any material factors. Therefore, while the policies referred to by the local planning authority within the County Structure Plan have been taken into account as a material consideration in this appeal, there is no requirement for the determination to be in accordance with it.
4. Your representations about the commercial need for the sign have been taken into account. However, because Regulation 4(1) requires that appeals be considered only in the interests of "amenity" and "public safety", it is these considerations which must be decisive.

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Rec'd - 2 OCT 1996
Ack'd _____
Ans'd _____

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5. Your comments about other advertisements in the area noted. 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 a particular advertisement; and it is proposed to exercise that discretion in determining your appeal.

6. On the issue of public safety, the highway authority have expressed concern that granting consent for the appeal signs would create a precedent for an undesirable proliferation of advance directional signs, leading to undue driver distraction to the detriment of highway safety. However, under the Regulations, they would still have every opportunity to deal with any subsequent applications, or review any existing signs in their area, on their individual merits.

7. The specific objections, on public safety grounds, to the two signs are that they would distract drivers and invite sudden decisions as to whether to brake and turn, on an allegedly dangerous stretch of road. The sites adjoin a steep hill, with a one in five gradient. However, both signs would contain simple, short messages, which could easily be assimilated at a glance. The northern most sign would invite a simple left hand turn and would be situated some 60 metres from the junction, in advance of the official directional sign for Littlebeck. The southern most sign, whilst inviting a more difficult right-hand turn, across the oncoming traffic flow, would be some 120 metres south of the junction, well in advance of the official road signs. Oncoming drivers and those descending down the steep hill are required to do so in low gear and they have good forward visibility of the road ahead. In these circumstances, it is considered that the presence of the appeal signs, in the proposed positions, would be unlikely to be so distracting as to create a hazard to, or endanger, drivers in the vicinity who were exercising reasonable care for their own and others' safety. It is concluded, therefore, that the signs would not be against the interests of public safety.

8. On the other hand, the signs, whilst not large, would be prominently exposed to view, above narrow dry stone walls, in locations which encompass extensive views across scenic undulating countryside within the North York Moors National Park, where it is to be expected that outdoor advertising, including advance directional signs, will be strictly controlled in order to protect this important rural setting. In these circumstances, it is considered that the impact of the signs, by reason of their number and exposed positions, seen in isolation of any commercial activity, would be intrusive and would thus detract from the high quality of their locations and surroundings. It is concluded, therefore, that their display would be detrimental to the interests of amenity.

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

Yours faithfully



D B LEEMING  
Authorised by the Secretary of State  
to sign in that behalf

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Ans'd	

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**TOWN AND COUNTRY ACT 1990  
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENT) REGULATIONS  
1992  
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 1992 and the Town and Country Planning (Inquiries Procedure) Rules 1974.

4. A person who thinks he may have 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.

<b>NYMNP</b>
Rec'd - 2 OCT 1996
Ack'd
Ans'd