

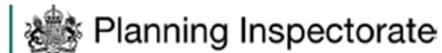
PLANNING COMMITTEE – 5th March 2026

PART 5

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information



Appeal Decision

Site visit made on 15 December 2025

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/V2255/H/25/3373710

Gate Service Station, London Road, Dunkirk, Kent ME13 9LN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Motor Fuel Group Limited against the decision of Swale Borough Council.
 - The application reference is 24/504891/ADV.
 - The advertisement is described as '7m totem pole sign'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and the national Planning Practice Guidance (PPG) confirm that advertisements should be subject to control only in the interests of amenity and public safety. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration; however, they have not, by themselves, been determinative for this appeal.

Main Issues

3. The main issues are the effect of the advertisement on amenity and public safety.

Reasons

Amenity

4. 'Amenity' as defined in the PPG, is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement. The PPG advises that the local characteristics of an area are relevant when assessing amenity, including the presence of any feature of historic, architectural, cultural or similar interest. The Framework acknowledges that the quality and character of places can suffer when advertisements are poorly sited and designed.
5. The appeal site lies within an Area of High Landscape Value. The landscape surrounding the appeal site has a rolling topography and consists predominantly of areas of woodland and fields. The advertisement is sited adjacent to a road that leads to a service station and is a short distance away from a listed building, which is known as 'Little Chef' (Ref: 1069141).

6. 'Little Chef' is a Grade II listed former coaching inn, which dates back to the 18th century. It is two storeys high and consists of two parallel ranges, with a modern, single storey projection to the rear. The listed building is constructed of brick, with a plain tiled roof. The front elevation features traditional, sash windows. The listed building is currently in use as a coffee shop. It is highly prominent from the public realm due to its elevated position in the landscape and its roadside location.
7. Based on my site visit and the evidence before me, I find that the listed building's special interest, insofar as is relevant to this appeal is derived from its historic and architectural interests as an illustration of an 18th century former coaching inn. The building's architectural style, surviving historic fabric, use of traditional materials, its roadside location and its rural surrounds make important contributions in these regards.
8. The rural setting of the listed building has been somewhat eroded by the highway infrastructure, adjacent petrol filling station, areas of car parking and associated paraphernalia, including advertisements. However, the approach to the listed building is largely uninterrupted, consisting primarily of soft landscaping. Given the extent of development surrounding the listed building, the approach to it provides an important connection between the building and the rural landscape.
9. The appellant argues that the advertisement has less of an impact on amenity and the setting of the listed building when compared to a previous advertisement. I appreciate that the appeal advertisement is pole mounted, has a smaller surface area and is more subdued in colour than the previous advertisement. Its pole mounted design enables views of the listed building from the approach road to be retained. Nevertheless, the appeal scheme is higher in height than the previous advertisement and consists of bulky, box-like internally illuminated advertisements. Consequently, I find that the appeal scheme is materially different and more prominent in the landscape than the previous advertisement. Full details of the circumstances of the previous advertisement are also not before me and it has already been removed. Given the above and the material differences in its appearance, I give the previous advertisement limited weight in my decision.
10. The advertisement by reason of its height, design and use of illumination is highly visible from the public realm, including from both sides of the A2. It is also constructed of modern materials, which harmfully discord with the traditional materials found on the listed building. Accordingly, I find that the appeal scheme is harmful to the amenity of the area, as it fails to be sympathetic to the historic and natural environment in which it sits.
11. I observed a plethora of advertisements surrounding the listed building, including a totem sign at the adjacent garage. While the other totem sign is larger, it has a materially different context and is viewed against the backdrop of the petrol station and its canopy. I also observed a number of advertisements associated with the coffee shop; however, these were far lower in height and set further back from the highway and are less visible from the surrounding highway network. Overall, I do not find that the presence of the other advertisements in the locality justifies further erosion of the amenity of the area, in particular to the setting of the listed building.
12. For the reasons given above, I conclude that the advertisement is harmful to amenity. Although not determinative, I have had regard to Policies DM14, DM15, DM32, CP4 and CP8 of the Swale Borough Local Plan: Bearing Fruit 2031,

adopted July 2017 (the Local Plan). These policies are of relevance insofar as they require that advertisements are designed in a manner that minimises harm to amenity and that schemes conserve and enhance the natural and built environment and sustain and enhance the significance of designated heritage assets.

Public safety

13. The advertisement is set a short distance away from the slip road that leads to the service station. Between the advertisement and the highway is an area of soft landscaping and a post and rail fence. The fence is a relatively light-weight structure and would do little in the event of a vehicle impact. I appreciate that vehicles are likely to be decelerating as they travel uphill on the slip road towards the service station area. However, vehicles may still be travelling at some speed, after exiting the dual carriageway.
14. The appellant has submitted a drawing of the foundations of the advertisement, which has been carried out by a structural engineer. However, there is no safety risk assessment (SRA) before me, as required by National Highways. Given its height, there is the potential for the advertisement to fall into the public realm, particularly in the event of a vehicle impact. The appellant argues that a vehicle strike is unlikely to move the advertisement due to its design and if it were to fall it would fall away from the road due to the angle of hit. However, in the absence of a SRA, there is no substantive evidence before me to demonstrate that the advertisement would be acceptable in terms of public safety, particularly in the event that it was hit by a fast moving vehicle. As the location, height and design of the appeal scheme are set out on the submitted plans, I do not find that a SRA could be dealt with by condition.
15. The appellant advises that failure of the advertisement could be addressed by the maintenance regimes and is a requirement of one of the standard conditions. The appellant argues that the advertisement has been installed by an experienced operator of signs at service stations, with no record of any signs falling. While I appreciate that there was a previous advertisement in this location, with no record of incidents, I do not find that these factors fully address the issue of public safety, particularly relating to vehicle impact.
16. Accordingly, for the reasons given above, I am not fully satisfied that the advertisement is acceptable in terms of public safety. Although not determinative, I have had regard to Policy DM15 of the Local Plan. This policy is of relevance insofar as it requires that advertisements are designed in a manner that minimises harm to public safety.

Other Matters

17. I have had regard to the standard conditions set out in Schedule 2 of the Regulations and the conditions suggested by the appellant. Nevertheless, the proposed conditions would not overcome the harm that I have identified to amenity and public safety.
18. The Regulations require that I exercise my powers with regards to amenity and public safety only. The benefits therefore cannot be taken into consideration in my decision.

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Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

A James

INSPECTOR