



Appeal Decisions

Site visit made on 23 April 2018

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th May 2018

Appeal Ref A: APP/L3245/Z/17/3178032

Moreton Park Garden Centre, Gledrid, Chirk LL14 5DG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr David Lazenby against the decision of Shropshire Council.
 - The application Ref 17/00608/ADV, dated 7 February 2017, was refused by notice dated 25 April 2017.
 - The advertisement proposed is internally illuminated fascia sign.
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Appeal Ref B: APP/L3245/Z/17/3185432

Moreton Park Garden Centre, Gledrid, Chirk LL14 5DG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr David Lazenby against the decision of Shropshire Council.
 - The application Ref 17/02120/ADV, dated 7 May 2017, was refused by notice dated 7 September 2017.
 - The advertisement proposed is internally illuminated fascia sign.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issue

3. The main issue in both appeals is the effect of the proposed signs on the visual amenity of the area including the Pontcysyllte Aqueduct and Canal World Heritage Site (WHS) buffer zone.

Reasons

4. The Council has drawn my attention to the policies and guidelines it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) reiterate this approach. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

5. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The PPG states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features’.
6. The site is located between the A5 and Chirk Road near to the A5 roundabout, outside of the Pontcysyllte Aqueduct and Canal World Heritage Site (WHS), but on the edge of its buffer zone and in an Area of Special Control of Advertisements. A hotel and restaurant is located to the south of the site and a retail business park to the west. Upon the appeal site and within the immediate vicinity are a number of advertisements. However, these are relatively small in scale and are not unduly prominent. They do not notably impact on the area.
7. The proposal the subject of appeal A would add a large fully illuminated sign above the window panels of the garden centre. The proposal, the subject of appeal B, proposes an alternative option, smaller in scale, with only the letters of the sign illuminated. Both signs would be clearly visible from the access road into the site and from Chirk Road.
8. I acknowledge that both signs would assist in advertising the garden centre from Chirk Road. However, the sign, the subject of Appeal A would be excessive in size and would dominate the particular building on which it would be positioned. Although the size of the lettering may be comparable to the Costa sign beneath, the impact would be greater as the sign would be much larger and illuminated which would exacerbate the size of the sign. The proposal would lead to an excessive cluttered display of advertisement on this part of the building that would dominate the appearance of it and the streetscene.
9. The proposal the subject of appeal B would be smaller in height and width and as only the letters would be illuminated, the overall impact would be less than that proposed in the scheme in appeal A. However, the proposal would still be significant in scale, occupying a notable proportion of the building. The illumination of the lettering would further increase its prominence. Taken with the existing signage this sign would result in visual clutter also.
10. I acknowledge that consideration was given to alternative locations to place the advertisements and that the level of illumination in both signs would be static. I also note the submissions made that the Council has granted permission for similar signs elsewhere. However, I did not see any signs of the scale proposed on my site visit and in any event, each case is dealt with on its own merits. The presence of similar signage elsewhere does not justify harmful advertisements. Conditions restricting the level and hours of illumination would not overcome the harm that I have identified.
11. In light of the above, both signs would have an appreciable harmful visual impact on the building and the locality. They would not however have a harmful impact on the amenity of the WHS given that the signs would not face the WHS and there would not be direct views into or out of it from the appeal site.

12. The appellant cites a number of economic benefits associated with the proposed advertisements. This includes updating the appearance of the building in line with the national branding of the company and promoting what he identifies as a key local employer, to existing and new customers. Whilst I have no reason to doubt the appellant's submissions in respect of these matters, they do not weigh in favour of the proposed signs because I can only consider the interests of amenity and public safety².
13. In light of the foregoing, I conclude that whilst the proposals would not harm the WHS, both proposals would harm the visual amenity of the area. As a consequence both signs would be contrary to the part of Policies CS6 and CS17 of the Shropshire Development Framework: Adopted Core Strategy which requires new development to protect and enhance the diversity, high quality and local character of the natural, built and historic environment, and the parts of Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan which requires new development to contribute to and respect locally distinctive or valued character.

Conclusion

14. For the reasons identified, I conclude that both appeals should be dismissed.

K Ford

INSPECTOR

² Paragraph 67 of the NPPF