The Planning Inspectorate

Appeal Decision

Site visit made on 13 December 2016

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th January 2017

Appeal Ref: APP/A0665/Z/16/3159553
2 Summerfield Drive, Moulton, Winsford, Cheshire, CW9 8PU

- 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 Matt Lacey against the decision of Cheshire West & Chester Council.
- The application Ref 16/02467/ADV, dated 17 May 2016, was refused by notice dated 4 August 2016.
- The advertisement proposed is described as "2 x 1800 x 1200 clip framed signage, fixed to fence, advertising first releases at Honeyvale Gardens, a Bovis Homes development".

Decision

1. The appeal is allowed and express consent is granted for the display of two fence mounted graphic panels as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:

   1) The advertisement permitted by this consent shall be removed from the site no later than 5 years from the date of this decision.

Procedural Matters

2. The site address given above has been taken from the appeal form and decision notice, as the address provided on the application form is incorrect. In addition, for the purposes of clarity the description of development in my formal decision reflects the wording provided in the appeal form and decision notice.

3. The Council has drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issues

4. The main issues are the effect of the proposed advertisement on public safety, and on the visual amenity of the area.

Reasons

Amenity

5. The proposed signs would be positioned on an existing boundary fence to the rear garden of No 2 Summerfield Drive. This is a corner property, and the fence itself fronts onto Main Street. There are currently no advertisements in this part of the street, which has a suburban residential character.

6. The side of the road on which the signs would be located currently includes the flank elevation to No 2 Summerfield Drive, a boundary fence, and a tall hedge. The signs would be modest in size and would sit comfortably on the existing timber fence. Their scale and positioning would be appropriate in this context and would not appear unduly cluttered. It is not unusual for new housing developments to be advertised in the residential area in which they are located, and I do not accept that the signs would have a commercial appearance. Separately, whilst they would be located someway from the entrance to the housing development, this does not benefit from a prominent road frontage. In any event, no harm would arise from the proposed distance between the adverts and the housing development.

7. I therefore conclude that the proposed advertisement would not have any unacceptable effect on the visual amenity of the area.

Public Safety

8. Main Road is one of the principal routes through Moulton leading out to Jack Lane. The proposed signs would be positioned on an existing boundary fence at the rear of the footway to Main Road.

9. Both signs would contain some smaller text, although this would be particularly apparent on the easternmost sign. It would be difficult for drivers to read this text as they drove by. However, it is not unusual for roadside advertisements to contain some smaller text and the larger headings would be clearly visible in this case. The signs would not be unduly close to a junction, or reduce the clarity or effectiveness of a traffic sign or signal. Nor would they confuse a road-user's view or be likely to distract road-users because of their unusual nature.

10. I therefore conclude that the proposed advertisement would not prejudice conditions of public safety.

Conditions

11. In addition to the five standard conditions set out in the Regulations, I have attached a further condition that requires the signs to be removed no later than 5 years from the date of this decision. This is to ensure that the signs do not remain in situ once the associated housing development has been completed.

Conclusion

12. For the reasons given above I conclude that the display of the advertisements would not be detrimental to the interests of amenity and public safety.

Thomas Hatfield

INSPECTOR