
Appeal Decisions

Site visit made on 15 August 2017

by David Richards BSocSci DipTP MRTPI

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

Decision date: 05 September 2017

Appeal 1: APP/D1835/Y/3175251

Manor Farm, Malvern Road, Worcester, WR2 4BS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against conditions imposed on the grant of a listed building consent.
 - The appeal is made by Mitchells and Butlers Retail Ltd against the decision of Worcester City Council.
 - The application Ref L160035 is dated 21 July 2016. Listed building consent was granted on 20 March 2017.
 - The works proposed are remove existing signs and install new.
 - The condition in dispute is No 4 which states that: *Notwithstanding the submitted details, the consent hereby approved specifically excludes the retention of the LED trough light above the letters of the sign-written name to the building, shown as item 8 on the submitted drawing numbered 122405 and dated 18 July 2016 and initialled 'ALG'. This shall be removed from the site within 2 calendar months of the date of this consent.* The reason given for the condition is: *In the opinion of the local planning authority the mode of illumination of this sign by an external trough light has an unacceptable adverse effect upon the character and appearance of the host grade II listed building and the amenity of the area and is a visually dominant and unsympathetic addition that detracts from the character and appearance of the listed building. This aspect of the proposal would thereby also be contrary to policies SWDP 6 and SWDP 24 of South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote with regard to the heritage assets.*
-

Appeal 2: APP/D1835/H/17/3175249

Manor Farm, Malvern Road, Worcester, WR2 4BS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
- The appeal is made by Mitchells and Butlers Retail Ltd against the decision of Worcester City Council.
- The application Ref A16C0062 is dated 21 July 2016. Express consent was granted on 20 March 2017.
- The condition in dispute is No 2 which states that: *Notwithstanding the details shown on the submitted plans, the consent hereby approved specifically excludes the retention of the LED trough light above the letters of the sign-written name to the building, shown as item 8 on the submitted drawing numbered 122405 and dated 18 July 2016 and initialled 'ALG'. This shall be removed from the site within 2 calendar months of the date of this consent.* The reason given for the condition is: *In the opinion of the local planning authority the mode of illumination of this sign by an external trough light has an unacceptable adverse effect upon the character and appearance of the host grade II listed building and the amenity of the area and is a visually dominant and unsympathetic addition that detracts from the character and appearance of the listed building. This aspect of the proposal would thereby also be contrary to policy SWDP 21*

of South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote with regard to the display of advertisements.

Decisions

Appeal 1: The appeal is dismissed.

Appeal 2: The appeal is dismissed.

Main Issues

1. The main issue in Appeal 1 is the effect of the LED trough light on the character and appearance of the Grade II listed building. The main issue in Appeal 2 is the effect on amenity, with particular regard to the character and appearance of the listed building.

Reasons

2. The disputed LED trough light is in position. The Appeal effectively seeks the deletion of the relevant conditions which require it to be removed within 2 months of the date of the decisions.
3. Paragraph 132 of the Framework advises that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 goes on to say that where a development proposal would lead to less than substantial harm to its significance, this harm should be weighed against the public benefits of the proposal.
4. The trough light is fixed above individually applied lettering set on the gable end wall of a former barn-like structure which is clad in dark-stained timber. To my mind it is a strident element which has an unattractive, geometric regularity in contrast with the irregularity of the design and appearance of the listed building itself. This is exacerbated by the white colouring of the unit which heightens the degree of prominence and intrusion.
5. I accept that the harm is less than substantial but nevertheless case law has established that harm to a heritage asset is matter of considerable importance and weight.
6. The Framework also promotes sustainable economic development, and seeks to ensure that businesses are not overburdened by unnecessary regulation. I accept that illuminated advertisements on licensed premises are a necessary and well proven method of attracting business and provide a vital means of alerting potential customers to the business on the site. However the Manor Farm occupies a prominent position on Malvern Road, in an area with extensive street lighting. There is an illuminated hanging sign on the road frontage, and there is little danger of passers-by not being aware of the existence of the public house and the facilities it offers, even if the disputed LED trough light were to be removed. A sensitive approach to the conservation of heritage assets is a key element of sustainable development. In this case the harm to the heritage asset is not outweighed by the limited public benefit to be derived from its retention.

7. For these reasons I consider that the inclusion of the LED trough light is harmful to the listed building and to amenity, and this harm is not outweighed by any other considerations. I therefore dismiss the appeals.

David Richards

INSPECTOR