



Appeal Decision

Site visit made on 16 March 2020 by AJ Sutton BA Hons DipTP MRTPI

by Anne Jordan BA Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2020

Appeal Ref: APP/T3725/Z/19/3242902

Northbound Services, Warwick Bypass, Warwick CV35 8RH

- 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 Mohamed Tayab (Euro Garages) against the decision of Warwick District Council.
 - The application Ref W/19/1124, dated 2 July 2019, was refused by notice dated 3 December 2019.
 - The advertisement is a 1 No. 8mtr Double Sided Starbucks Totem Sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of a 8mtr double sided Starbucks Totem Sign at the Northbound Services, Warwick Bypass, Warwick CV35 8RH in accordance with the terms of the application Ref W/19/1124, dated 2 July 2019 and the plans submitted with it, for five years from the date of this consent, subject to the standard conditions in Schedule 2 of the Regulations.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The advertisement was in place at the time of conducting the site visit. The plans submitted with the appeal do not provide a marked location for the sign. However, it is clear from the documentation with the appeal that the sign refused by the Council is the same sign currently located on site and shown on the submitted "Google Image – Northbound Services". I have therefore determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the advertisement on the character of the area.

Reasons for Recommendations

5. The Council has drawn my attention to the policies 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 (Framework) 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.

6. Public safety is not identified as an issue in this appeal. Whilst the site is within Green Belt, this is not a matter which the Council considers to be determinative in itself. I see no reason to disagree with this view.
7. The Regulations define factors considered relevant to amenity, which include general characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interest. The PPG, noting that this is not an exhaustive definition, clarifies that amenity is understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement ...where residents or passers-by will be aware of the advertisement. Given the nature of the advert, it does not have an effect on aural amenity and therefore my decision is confined to the consideration of the adverts effect on visual amenity.
8. The advert is sited on the immediate frontage of a service area adjacent to the Warwick Bypass. The service area is located just beyond a busy junction where traffic merges from the M40 and other local routes to access the bypass. As such the character of the area, although in Green Belt, is defined by the busy dual carriageway corridor. When travelling northwards the service area is set into the landscape and is partially screened by vegetation which limits any sense of openness and the site's connection to the wider rural area beyond the road network. The service area almost mirrors a similar development situated on the southbound carriageway.
9. There are no surrounding residential properties which could be affected by the advert.
10. When travelling north, the majority of the appeal site is screened by vegetation on the verge, with only the top of the advert totem initially visible close to the site. The visual effect of the advert closer to the site is localised and is viewed in the context of the service area as opposed to any wider rural setting. When observed travelling from the southbound, it is softened by the backdrop of vegetation. As such any visual affect is predominantly limited to the immediate setting of the advert.
11. Although the area beyond the service station is devoid of adverts and displays, the appeal site itself supports signage appropriate to the land-use and the appeal advert fits well in that particular context. Furthermore, when viewed collectively, the appeal advert does not appear to dominate when set against the BP Totem and as such I see no benefit to the Council's suggestion that the advert should be limited to the height of that structure.
12. The design whilst different in form from other more traditional forms of advertising is simple, with a relatively muted palette, and I see nothing before me which would draw me to conclude that it is of a poor design quality.

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

13. I have had regard to appeal decisions at the service station on the southbound carriageway. I note that the service area and advert totem appear more prominent, given its slightly elevated and open position, and does not benefit from the same degree of natural landscaping that surrounds the appeal site. As such, the taller advert totem at that site appears more prominent and starker given its form, which, unlike the appeal advert, is set against the backdrop of the sky. Therefore, these appeal decisions have not been decisive in this case.
14. Given the lack of development beyond the footprint of the services, it would be unlikely that similar adverts would be proposed. Regardless each proposal would be considered on its individual merits.
15. It is therefore concluded that the advert does not have an adverse effect on the visual amenity of the area.
16. Although not decisive the advert is not contrary to Policies BE1 and NE4 of the Warwick District Local Plan 2017 which permit development where it positively contributes to the character and quality of its environment through good layout and design and requires proposals to positively contribute to landscape character.
17. The advert is also not contrary to Policies BNDP7 and BNDP8 of the Budbrooke Neighbourhood Development Plan 2018 which supports development where it makes a positive contribution to the distinct character of the area and is of a good design and quality and requires that proposals conserve important local landscape features where possible.

Conclusion and Recommendation

18. For the reasons outlined above, and having regard to all other matters raised, it is recommended that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and concur that the appeal should be allowed.

Anne Jordan

INSPECTOR