



Appeal Decision

by **M L Milliken BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th June 2020

Appeal Ref: APP/W2465/Z/20/3245012

Belgrave Rugby Football Club, Thurcaston Road, Leicester LE4 2QG

- 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 Mark Crumbie (Belgrave RFC) against the decision of Leicester City Council.
 - The application Ref 20191929, dated 7 October 2019, was refused by notice dated 9 December 2019.
 - The advertisement proposed is 2 x 48 sheet freestanding internally illuminated advertising display units, measuring 3.5m high x 6.5m wide and comprising pressed metal framed unit consisting of strip lighting and vinyl images.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In response to travel restrictions currently in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available. Both the appellant and the Council have agreed to the appeal proceeding on this basis.
3. For the sake of continuity and notwithstanding details provided on the original application form as submitted, I have taken the description of the development from the appeal form as submitted.

Main Issue

4. The control of advertisements is exercisable only with respect to public safety and amenity. As the Council has raised no objection with regard to public safety, the main issue in this appeal is therefore the effect of the proposal on amenity.

Reasons

5. The appeal site is located within the Belgrave area of Leicester, in Belgrave Rugby Ground and within a designated green wedge. The display units would be located adjacent to the A6 highway, on a frontage position above the existing hedge. Although some limited commercial activity exists to the opposite side of the dual carriageway, the area surrounding the appeal site is generally characterised as an area of relatively mixed use and form, with some open, green spaces also present. The appeal site is not subject to any historic environment designations.

6. In accordance with the Regulations, I have taken into account the provisions of the development plan to the extent they may be material. Of particular relevance to the appeal proposal is Policy CS3 of the adopted Leicester Core Strategy (2014), which seeks, amongst other things, to ensure that new development is of good design quality and saved Policy GE06 of the City of Leicester Local Plan (2006), which relates to development affecting green wedges.
7. By virtue of the size and location of the display units proposed, they would be highly visible from within the local area and, given their illuminated nature, would be particularly apparent during the hours of dusk and darkness. Whilst I note references made to advertisements permitted in relation to the nearby commercial unit, these appear to be largely located at ground floor level and are also not at a scale relative to the proposal. They would therefore be less visible within the wider area. The appellant has also provided me with additional examples of advertisements permitted elsewhere in the city, including reference to an appeal decision. Whilst I have had regard to the information submitted, I consider that the examples before me are not directly comparable to the proposal in terms of its immediate location and the scale and amount of development proposed.
8. By reason of their size and position, the proposed display units would appear as large, discordant visual interruptions in the local street scene. The amount and scale of the advertising proposed would erode the sense of openness that currently exists within the local area and would have an adverse, urbanising effect on the open character of the green wedge in which the appeal site is located. Consequentially, the proposed display units would have an adverse effect on amenity. Whilst I have had regard to the potential for matters such as the level of illumination to be subject to planning condition, by virtue of their scale and location the proposed display units would be overly prominent and intrusive irrespective of the levels of illumination proposed.
9. The intention to replace the existing advertisement is noted. Whilst there are a number of other matters raised by the appellant, including the potential for economic benefits associated with the Rugby Club through additional sponsorship and advertising and the removal of unauthorised structures on the site, my duty is to look at the matters of amenity and public safety only. The proposal does not represent a 'like-for-like' replacement and, for reasons already stated, would have an adverse effect on visual amenity which would not be out-weighed by the other factors put forward in justification. I also consider that the potential already exists for existing structures on site to be removed. Overall, I find that the appeal proposal would have an adverse effect on amenity and would therefore conflict with the relevant development plan policies, which seek to protect local amenity. The proposal would also be contrary to the provisions set out in paragraph 132 of the National Planning Policy Framework (the Framework).

Conclusion

10. I conclude that the appeal should be dismissed.

M L Milliken

INSPECTOR