
Appeal Decision

Site Visit made on 9 August 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2021

Appeal Ref: APP/A0665/Z/21/3273017

Unit 23, Greyhound Retail Park, Chester, CH1 4QG

- 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 NI North West Limited against the decision of Cheshire West and Chester Council.
 - The application Ref 20/02701/ADV, dated 29 July 2020, was refused by notice dated 19 February 2021.
 - The advertisement proposed is fascia signage on elevations of Unit 23.
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Decision

1. The appeal is allowed, and express consent is granted for fascia signage on elevations of Unit 23 at Unit 23, Greyhound Retail Park, Chester, CH1 4QG in accordance with the terms of the application, Ref 20/02701/ADV, dated 29 July 2020, and, subject to the five standard conditions set out in Schedule 2 of the 2007 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.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a material consideration in my decision-making the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The Council has drawn my attention to Development Plan policies which they consider relevant to this appeal. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance reiterate this approach. I have therefore taken them into account insofar as they are relevant to those matters.

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

5. At the time of my site visit I saw that the fascia signage had been installed. I have dealt with the appeal on this basis.

Main Issue

6. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to disagree with the Council on this matter.
7. Therefore, the main issue is the effect of the advertisement on the visual amenity of the area.

Reasons for the Recommendation

8. The host property is a single storey retail building within an established retail park. There are several buildings in the vicinity displaying branded, fascia signs of varying sizes giving a commercial character to the area.
9. Whilst the advertisements protrude above the eaves of the property and the host building is closer to the highway than other retail units, I find that they do not appear out of scale with the host property or appear overly prominent in the street scene. Due to the single storey nature of the building the signage is not as high as that of the surrounding buildings, which along with the neutral colour, means they do not have a harmful visual impact on the area.
10. I therefore conclude that the advertisements do not harm the visual amenity of the area. I have taken into account policies ENV6 of the Cheshire West and Chester Local Plan (Part One), and policies DM3 and DM17 of the Cheshire West and Chester Local Plan (Part Two) which together seek to protect amenity and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.
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Conditions

11. The Council have suggested that that the 5 standard conditions as set out in in Schedule 2 of the 2007 Regulations are appropriate. I have no reason to disagree.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

RC Kirby

INSPECTOR