
Appeal Decision

Site visit made on 13 September 2021 by A J Sutton BA (Hons) DipTP MRTPI

by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2021

Appeal Ref: APP/T3725/Z/21/3274985

52 High Street, Royal Leamington Spa, CV31 1LW

- 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 Alight Media C/O Paul Thacker (Turnkey Design Publishing Ltd) against the decision of Warwick District Council.
 - The application Ref W/20/1332, dated 20 August 2020, was refused by notice dated 11 May 2021.
 - The advertisement proposed is replacement of an existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display.
-

Decision

1. The appeal is dismissed.

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 Matter

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). The issues most relevant to the appeal remain unaffected by the revisions to the Framework.

Main Issue

4. 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 Council has raised no objection in respect of public safety subject to conditions and I observed nothing which would lead me to dispute this conclusion. Accordingly, the main issue in this case is the effect of the advertisement on the visual amenity of the area.

Reasons for Recommendation

5. Whilst amenity is not defined exhaustively in the Regulations, it does indicate that relevant factors include the general characteristic of the locality, including the presence of any features of historic, architectural, cultural or similar

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

interest. Framework paragraph 136 states that the quality and character of places suffer when advertisements are poorly sited and designed. The Planning Practice Guidance (PPG) sets out that large advertisements may be acceptable in commercial areas, but that the local characteristics of the neighbourhood must be considered.

6. The appeal site is on a busy main road at the cusp of the town centre, where land uses transition from residential to commercial. The site is part of the backdrop of the Polish Club Community Centre (former Town Hall) and comprises the gable end of a small parade of period premises with retail units at street level and accommodation above. Similarly configured properties flank the street opposite with terraced dwellings to the rear of that section of the High Street and residential uses also to the east of the appeal site.
7. The site is within the Royal Leamington Spa Conservation Area (CA), where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The High Street was the original east-west route through the town. It is characterised by early to mid-19th Century properties and includes good examples of 19th Century shop fronts. Signs are principally sensitively designed fascia above shop fronts and the few examples of large advertisements in the area are of a non-digital, poster style. The appellant advises that the adjacent Polish Club Community Centre is identified as a significant building in the area.
8. An existing advertisement in the same location is of similar size but displays a single vinyl image for an extended period and is not digital in style. Although I am advised it is backlit, I have no details of the degree of luminance. There is some dispute between the parties as to whether it benefits from deemed consent, and it is not for me in determining this appeal to judge whether it benefits from such consent. However, the evidence before me is that there has been an advertisement of this size in place at various times since at least 2008.
9. The proposal would comprise a large digital, illuminated advertisement displaying changing images every 10 seconds. The large modern unit would contrast unsympathetically with the style of advertisements in the area. While there is other regular movement in the street with pedestrians, traffic and lighting, nonetheless the brightly lit, changing display would draw the eye and be considerably more prominent in views down the High Street than the existing signage. Consequently, whilst on the edge of a commercial town centre, the nature of the advertisement would appear as an alien and incongruous form, which would dominate its immediate setting.
10. The nature of the proposed display, frequency and method of changing images and the degree of illumination could be controlled by conditions. However, this would not mitigate the harmful impact resulting from the type of display proposed. In light of the above, I find that the proposal would harm the character and appearance of the CA and the visual amenity of the area.
11. While the Council's decision refers to Policies BE1, BE3 and HE1 of the Warwick District Local Plan these all relate to development. As advertisements are not development in planning terms these policies have not been determinative.

Other Matters

12. I acknowledge the benefits arising from the proposal including flexibility, high-technology, content management/servicing efficiencies, waste reduction and other social, economic and environmental considerations. These matters are not within the scope of the Regulations which govern advertisements and there is no indication in the Framework or the PPG that any other factors can be taken into account in this case. For this reason, they have not been determinative in this appeal.
13. Whilst such advertisements may be commonplace throughout the country each proposal must be considered on its individual merits. The appeal decision drawn to my attention, allowing a similar style proposal and the first of its kind in the area, is in a town several miles away and as described by the Inspector, the character of the site and its surroundings are distinctly different to the scheme before me, particularly in respect to historic features. It is therefore not comparable and does not justify granting consent for this proposal.
14. The absence of objection from the Town Council is noted however this does not justify the harm identified.

Conclusion and Recommendation

15. For the reasons given above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and concur that the appeal should be dismissed.

L McKay

INSPECTOR