



Appeal Decision

Site visit made on 30 November 2021 by A J Sutton BA (Hons) DipTP MRTPI

by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2021

Appeal Ref: APP/Z3445/Z/21/3279234

Land at Tamworth FC, Ankerdrive, Tamworth, B77 1AA

- 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 Graeme Hughes C/O Alight Media against the decision of Tamworth Borough Council.
 - The application Ref 0258/2021, dated 20 May 2021, was refused by notice dated 15 July 2021.
 - The advertisement proposed is a freestanding 48-sheet sized digital LED advertising unit mounted on a single column.
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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 Matters

3. 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. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) but its provisions for advertisements were unchanged. I have had regard to the Framework in my recommendation and I am satisfied that this has not prejudiced any party.

Main Issue

5. The Council has raised no objection to issues of public safety subject to conditions, and I observed nothing which would lead me to dispute this conclusion. Therefore, the main issue is the effect of the advertisement on the amenity of the area.

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

Reasons for Recommendation

6. The appeal site is at the boundary of the football club's carpark. It is adjacent to a dual carriageway at the edge of the town centre. The road, part of the main orbital route, is a prominent feature of the area, as is the large Snow Dome to the west. However, the road is lined by wide verges with mature shrubs to the west. This vegetation largely screens the Snow Dome and positively characterises the area. The area to the east, near the appeal site, is relatively open. Here, the wide verge in part screens the slightly sunken carpark, and the low form of the football stadium allows glimpse views of trees lining Peelers Way and an expanse of sky.
7. The proposed advertisement would be a large digital display panel, with a slim profile, elevated by a single column. From Ankerdrive it would protrude above the built form of the stadium and would reduce the existing sense of openness in the area. Moreover, the expansive modern form would starkly and unsympathetically contrast with the relatively undeveloped character of the road verge and the mature vegetation which would provide its distant backdrop.
8. Although similar in size to the proposed unit, advertisements on the front of the stadium are set back from the appeal site and the road and are not of digital format. The proposed advertisement, with light emitting diode (LED) display, and intermittently changing images, would be stridently different in style from the existing paper and painted board style hoardings which clad the stadium. It would also be positioned such that it would be a more prominent feature in the street scene than the advertisements on the stadium. As a result, the proposal would not harmonise with the existing low-key advertising and would appear as an incongruous and dominating addition in its setting.
9. The block form of the LED display would be different from streetlighting in the area. Its continuous discordant presence would also not be comparable with the flood lights of the stadium which are used periodically and not required during day light hours. Furthermore, whilst acknowledging the progressive and modern nature of the proposal, I observed that existing advertisements were not in a state of disrepair. These matters therefore do not weigh in favour of the proposal.
10. The unit would be mainly visible to people in vehicles travelling in a westerly direction along Ankerdrive, and harm to the area would consequently be localised. However, the advertisement, by virtue of its size, style and position, would harmfully alter the character of the area for the reasons outlined above. Whilst it may appear less novel over time, this in itself would not justify a harmful form of advertisement which would fail to respect the local characteristics of the neighbourhood.
11. I have taken account of the suggested conditions. However, they would not address the harmful change to the character of the area identified in this case.
12. I therefore conclude that the proposed advertisement would have a harmful effect on the amenity of the area. Although not decisive in this case it would conflict with policy EN5 of the Tamworth Borough Council Local Plan which seeks to achieve high quality buildings and places. It would also be contrary to the design policies of the Framework, which highlights that the quality and

character of places can suffer when advertisements are poorly designed and sited.

Other Matters

13. I acknowledge the environmental and economic benefits of the proposal. These matters are not within the scope of the Regulations which govern advertisements and there is no indication in the Framework or Planning Practice Guidance that any other factors can be taken into account in this case. For this reason, they do not weigh in favour of the proposal.
14. The recent appeal decision close to this site is noted, but that advertisement was not in the same location as this proposal and therefore not directly comparable.
15. I have had regard in this recommendation, to the support in national guidance for large hoardings in commercial locations as well as their prevalence around the Country.
16. However, assessing this proposal on its own merits, I have found harm which I consider clearly overrides any factors in favour of the appeal, which carry relatively limited weight.

Conclusion and Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and agree with the recommendation. The appeal is therefore dismissed.

B J Sims

Inspector