



Appeal Decision

Site visit made on 24 January 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2022

Appeal Ref: APP/J3720/Z/21/3275735

Dog Inn, Henley Road, Mappleborough Green, Studley B80 7DR

- 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 Euro Car Parks Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/00420/ADV, dated 28 January 2021, was refused by notice dated 1 April 2021.
 - The advertisement proposed is Consent to display advertisements (15 non illuminated signs).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referenced policies it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 (The Regulations) to control advertisements may only be exercised in the interests of visual amenity and public safety, taking account of any material factors. Consequently, the Council's policies have not by themselves been decisive in my determination.
3. The site currently displays 18 signs within the frontage of the site that do not benefit from advertisement consent. I understand that these were relatively recently displayed and would not be immune from enforcement action. As such I have paid limited regard to their presence in my consideration of this appeal.

Main Issue

4. Paragraph 136 of the National Planning Policy Framework (The Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council has not identified harm to public safety and therefore the main issue in this case is the effect of the proposal on visual amenity.

Reasons

5. The appeal property is a restaurant within a small cluster of businesses within the countryside. The site is within the Green Belt and an area of Special Landscape Character. The car park, in front of the restaurant, is largely exposed to views from the adjacent highway despite the presence of an earth mound and several trees around its frontage. Consequently, although some views of the site from the public realm would be screened, the site is

nevertheless prominent within the streetscene. The restaurant is set back from the highway. This enables the site to maintain a largely open character that respects its countryside setting. Surrounding businesses and the appeal site contain a range of advertisements. The area also includes streetlights and a mobile phone mast. However, the existing advertisements and street furniture are largely subdued and unobtrusive within this setting.

6. The proposed advertisements would be dispersed throughout the car park and be displayed on poles. Due to the quantity and height of the signage, these would be obtrusive within views of the car park, that local vegetation would not substantially screen. As a result, the advertisements would be overt and add visual clutter to the otherwise open front of the restaurant, dominating the frontage. Accordingly, due to its incongruous appearance, the proposal would denude the current sense of openness of the site. It would therefore harm its setting within the countryside and the Arden Special Landscape Area.
7. Consequently, the cumulative effect of the proposed advertisements, would harm the amenity of the local area. As such, the proposal would conflict with paragraphs 130 and 136 of the Framework. This requires proposals to be sympathetic to the character of the local area and to consider the effect of advertisements on amenity. In accordance with the Regulations, I have also considered the development plan so far as it is material. The proposal would fail to comply with Policies CS.5, CS.9, CS.10 and CS.12 of the Stratford-on-Avon Core Strategy 2011-2031 (2016), the District Design Guide (2001) and the Development Requirements SPD (2019). These policies require, among other matters, for advertisements to not unduly affect the setting of a building and for signs to not clutter or dominate its frontage.

Other Matters

8. The appellant has failed to clearly illustrate how the quantity and height of signage would be fundamental to the operation of the business. In any event, the Framework does not allow for the issue of need to be taken into account.
9. The dismissed appeal decision, submitted in evidence¹, nevertheless found that the proposed camera would not harm the character and appearance of the area. Nonetheless, the refused development was relatively small, subject to different policy tests and was substantially different to this proposal.
10. The appeal site is intended to be included within the settlement confines of Mappleborough Green, within the Council's emerging Site Allocation Plan. Paragraph 48 of the Framework allows me to assign weight to emerging policies based on its stage of preparation. However, due to its early stage, I only afford limited weight to this proposed allocation. In any event, this designation would be unlikely to materially alter the character of the site or its surroundings.

Conclusion

11. For the reasons given above, the appeal is dismissed.

B Plenty

INSPECTOR

¹ Planning Appeal Reference: APP/J3720/W/21/3267947