



Appeal Decisions

Site visit made on 9 February 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2022

Appeal A Ref: APP/D3125/Y/21/3274941

Plough Inn, Black Bourton Road, Clanfield OX18 2RB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Agius Kenyon Ltd against the decision of West Oxfordshire District Council.
 - The application Ref 20/03006/LBC, dated 3 November 2020, was refused by notice dated 6 April 2021.
 - The works proposed are described as 'External alterations to install replacement externally illuminated hanging sign and an internally illuminated menu case together with a non-illuminated name sign both affixed to the main entrance.'
-

Appeal B Ref: APP/D3125/H/21/3274959

Plough Inn, Black Bourton Road, Clanfield OX18 2RB

- 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 Agius Kenyon Ltd against the decision of West Oxfordshire District Council.
 - The application Ref 20/03005/ADV, dated 3 November 2020, was refused by notice dated 6 April 2021.
 - The advertisement proposed is Sign A - 1 x new fret cut double sided pictorial sign with new bracket and linolites. Sign B - 1 x new double legged post sign with trough light illumination. Sign C - 1 x new small fret cut panel with painted detail. Sign D - 1 x new internally illuminated menu case.
-

Decision

1. That part of the appeal that relates to external alterations to install replacement externally illuminated hanging sign is dismissed and listed building consent is refused for external alterations to install replacement externally illuminated hanging sign. That part of the appeal that relates to an internally illuminated menu case together with a non-illuminated name sign both affixed to the main entrance is allowed and listed building consent is granted for an internally illuminated menu case together with a non-illuminated name sign both affixed to the main entrance at Plough Inn, Black Bourton Road, Clanfield OX18 2RB, in accordance with the terms of the application Ref 20/03006/LBC, dated 3 November 2020 and the plans submitted with it, subject to the following condition:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
2. That part of the appeal that relates to installation of replacement hanging sign externally illuminated is dismissed. That part of the appeal that relates to an internally illuminated menu case affixed to the main entrance as applied for is

allowed and express consent granted for its display. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matters

3. During the course of the determination of the applications, the double legged post sign was omitted from the proposed scheme of signage. With this in mind, I consider the descriptions found on the Decision Notices better reflect the scheme that is before me and that which the Council considered, but I have omitted superfluous information relating to the proposal being 'part retrospective'. The works proposed by Appeal A are therefore for 'External Alterations To Install Replacement Externally Illuminated Hanging Sign And An Internally Illuminated Menu Case Together With A Non-Illuminated Name Sign Both Affixed To The Main Entrance'. The description of Appeal B is therefore 'Installation of replacement hanging sign externally illuminated together with an internally illuminated menu case affixed to the main entrance'.
4. The Procedural Guide Planning Appeals – England states that *only the person who made the planning application can make an appeal*. In this case, the appeals were lodged in the name of different parties. The appeals cannot technically be transferred to another person, so must continue in the original name of the applicant. I have therefore considered the appeals on this basis.
5. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which these appeals turn.
6. As a listed building appeal, Appeal A is not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Accordingly, it does not need to be determined in accordance with the development plan. This is further confirmed by the lack of a requirement in section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have regard to the development plan when determining applications and appeals for listed building consent. The policies referred to by the Council are therefore material considerations only in the determination of Appeal A.
7. In respect of Appeal B, the statutory duty under section 66(1) of the Act applies to this appeal, as the court has held that in reaching a determination under the Regulations¹ decision makers are exercising a function under the 1990 Planning Act. However, the policies in paragraphs 197 and 199-202 of the Framework only apply to the heritage-related consent regimes under the Act, so they do not need to be considered when determining advertisement consent appeals in relation to a listed building. Furthermore, the Regulations and the Framework state that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest².
8. The proposed scheme of signage detailed in Appeal A also includes for the retention of a non-illuminated name sign at the main entrance. The remainder

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

² Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

of both appeal schemes are identical so, in the interests of clarity and conciseness, I will deal with some aspects of each appeal together in my reasoning.

Main Issues

9. The Officer Reports for both appeals refer to the Council's concerns regarding the setting of other nearby listed buildings, but it is only in its Statement of Case that it confirms that these are the Grade II* listed Church of St Stephen and the Grade II listed Clanfield Tavern Public House.
10. In light of this, the main issue for Appeal A is whether the proposal would preserve a Grade II listed building, known as 'Plough Hotel'³, including its setting, and the setting of the Grade II* listed Church of St Stephen and the Grade II listed Clanfield Tavern Public House.
11. Whereas the main issue for Appeal B is the effect of the proposed advertisement signs on the amenity of the area, with particular regard to the appeal building's listed status, including its setting and that of the Church of St Stephen and the Clanfield Tavern Public House.

Reasons

Significance and Settings – both appeals

12. The Plough Hotel is a Grade II listed building that was constructed in the mid- to late-17th Century, but has been altered and extended since, particularly at its rear. The principal range is three bays wide and of two storeys with attic rooms served by prominent gabled full dormers embellished with parapets. It is constructed of uncoursed limestone rubble, with irregular sized quoins at corners, and has a tall stone slate roof, with coped verge detailing. Openings to the front are a central chamfered doorway and mullion windows with dripstones. To the left of the main range is a former stables and service range, which is of smaller scale but incorporates equally elaborate detailing. Despite alterations and extensions to the listed building, its significance today is derived from its architectural and historical interest as a noteworthy 17th Century hotel. In particular, the use of stone detailing in its construction ensures that the architecture is typically ambitious and decorative.
13. The hotel is arranged perpendicular to Black Bourton Road with its eastern gable close to the roadside. It is also prominently sited at the northern edge of the village, close to the village green and adjacent to an unlisted War Memorial. Due to its location and visibility from neighbouring streets and the green, it is prominent within the village. However, as far as it is relevant to the appeal before me, its setting extends to its more immediate surroundings, around the junction of Black Bourton Road with Pound Lane and Bampton Road, inclusive of the northern end of the Green. This contributes to the significance of the hotel.
14. Opposite the hotel is the Clanfield Tavern, a well-proportioned public house of stone construction, which originates from the 18th Century. It is also a Grade II listed building and, given its proximity to the appeal property, they both contribute positively to the setting of one another which, in turn, contributes to the significance of each listed building.

³ The address states Plough Inn and the proposed signage suggests the name is 'The Double Red Duke'.

15. The Church of St Stephen, is a striking Grade II* listed building situated northeast of the site, the tower of which is visible between and above surrounding buildings. The Church therefore has a notable presence within the village, which makes a positive contribution to its setting and, thereby, its significance.

Effect of the proposed illuminated hanging and menu case signs – both appeals

16. The historic importance of the appeal building, reflected in its listed status, requires a careful approach to signage. The differing approach to the imagery on either side of the proposed hanging sign and its general form and proportions, including the proposed bracket and method of illumination, are all acceptable. Furthermore, the height and siting of the hanging sign on the eastern gable of the property is also acceptable, particularly as it is in the same place as the hanging sign it replaced.
17. There is clearly a noticeable difference in the appearance of the proposed signage and that which was previously in situ, not least due to the colour associated with the branding of the appellants' business. The colour scheme of the proposed signage is more garish, overbearing and visually prominent in contrast to the muted signage generally found on fascia boards and hanging signs within the village, including those at the Clanfield Tavern and the village Post Office. The proposed hanging sign therefore unnecessarily disrupts the prominent gable of the appeal building and appears as a dominant feature, which is harmful to the appearance of the listed building, how it is viewed from within its setting and, thereby, its understanding and significance as a heritage asset. For similar reasons, the harm to the listed building also equates to harm to the amenity of the area. However, I am satisfied that the extent of vibrant colour visible on the hanging sign does not harmfully detract from the settings of the Church of St Stephen and the Clanfield Tavern Public House, which are preserved.
18. The colour used for the proposed hanging sign, is identical to that used in the proposed menu case sign affixed to the front of the building, near its entrance. While this is visible from Pound Lane, it is relatively modest in scale and would not be so prominent that it would distract from the wider intricacy of the architectural refinement of the front façade of the hotel. It is therefore not harmful to the appearance of the listed hotel or the amenity of the area. Given its size, proximity, and physical relationship with the other aforementioned listed buildings, it is also not harmful to their settings, which would be preserved. Despite this, I am not convinced that it would be appropriate to harmonise the colour of all of the signage on the appeal building to utilise the same vibrant red of the appellants' corporate branding.

Effect of the proposed name sign – Appeal A

19. For reasons identical to those outlined above in respect of the menu case sign, given the size of the name sign it is not harmful to the appearance of the listed hotel, its setting or those of the Church and neighbouring public house and, thereby, their understanding and significance as heritage assets.

Public benefits and conclusions on the proposed hanging sign – Appeal A

20. The statutory duty in Section 16(2) of the Act is a matter of considerable importance and weight. Paragraph 197 of the Framework states that the

desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.

21. The proposed works would be harmful to the special historic interest of the Grade II listed hotel, and its setting, which would have a negative effect on its significance as a designated heritage asset. In my view the harm that I have identified, would equate to less than substantial harm to the significance of the listed hotel. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
22. I have taken into account that the red colour of the hanging sign is a key component of brand image and identity of the appellants' business and signage is required to draw attention to the use and ensure the business remains competitive with others in the immediate vicinity. Nevertheless, there is no convincing evidence before me that the proposed signage is essential for the continued economic viability of the business or in maintaining the site in beneficial use and maintaining access for the public; or that the outcomes desired by the appellants could not be achieved in a less harmful way.
23. Taking the above together, the public benefits I have outlined above would not justify allowing the proposed hanging sign, which fails to preserve the special interest of the listed building. Therefore, in accordance with paragraphs 197 and 199 of the Framework, considered together, I am not persuaded that there would be wider public benefits of sufficient magnitude to outweigh the great weight to be given to the less than substantial harm that I have identified from the proposed hanging sign to the significance of the heritage asset.
24. Despite my findings in relation to the setting of the other listed buildings, I conclude that the aspect of the proposal concerning the externally illuminated hanging sign fails to preserve the special historic interest of the Grade II listed building, known as 'Plough Hotel', including its setting. Hence, it fails to satisfy the requirements of section 16(2) of the Act, paragraphs 197 and 199 of the Framework and the design and heritage aims of Policies OS4 and EH11 of the West Oxfordshire Local Plan 2031 (LP) and the West Oxfordshire Design Guide 2016 (WODG).

Conclusions on the proposed menu case and name signs – Appeal A

25. For the reasons outlined above, I conclude that the aspects of the proposal concerning the proposed menu case and name signs preserve the special historic interest of the listed buildings, including their settings. Hence, those parts of the proposal satisfy the requirements of section 16(2) of the Act, paragraphs 197 and 199 of the Framework and the design and heritage aims of Policies OS4 and EH11 of the LP and the WODG.

Conclusions on the proposal – Appeal B

26. In respect of Appeal B, despite my findings in relation to the setting of the Church and neighbouring public house, I conclude that the aspect of the appeal proposal concerning the hanging sign is harmful to the amenity of the area, with particular regard to the hotel's listed status and its setting. I have taken

into account the provisions of Policies OS4 and EH11 of the LP and the WODG, so far as they are material, in accordance with the Regulations. Given that I have concluded that this aspect of the proposal is harmful to the amenity of the area, it conflicts with these policies and the requirements of Section 66(1) of the Act.

27. In contrast, I conclude that the aspect of Appeal B concerning the proposed menu case is not harmful to the amenity of the area, with particular regard to the hotel's listed status, its setting and that of the Church and neighbouring public house. I have taken into account the provisions of Policies OS4 and EH11 of the LP and the WODG, so far as they are material, in accordance with the Regulations. Given that I have concluded that this aspect of the proposal does not harm the amenity of the area, it accords with these policies and the requirements of Section 66(1) of the Act.

Other Matters

28. The appellants have referred to the potential benefits of the proposal and I have had regard to these in respect of Appeal A. However, there is no indication in the Regulations, Framework or Planning Practice Guidance that any other factors can be taken into account either for, or against, a proposal for Advertisement Consent. These matters have therefore had no bearing on my decision in Appeal B.
29. The fact that the appellants did not propose any additional lighting of the building is immaterial, as this did not form part of the scheme in either Appeal.

Conditions

30. In respect of Appeal A and the proposed menu case and name signs, a condition relating to the specified approved plans is unnecessary for this appeal, as the decision incorporates the plans. In terms of Appeal B, I have specified in the decision that, in terms of the menu case sign, the standard conditions are necessary, as required by the Regulations⁴. I have therefore not included the alternative shorter timeframe requested by the Council, as this has not been adequately justified, particularly as it did not identify harm with the menu case sign.

Conclusions

31. For the reasons given above, I conclude that Appeal A should be allowed insofar as it relates to the internally illuminated menu case and non-illuminated name sign, but dismissed insofar as it relates to external alterations to install a replacement externally illuminated hanging sign. In respect of Appeal B, I conclude that it should be allowed insofar as it relates to an internally illuminated menu case, but dismissed insofar as it relates to the installation of a replacement externally illuminated hanging sign.

Paul Thompson

INSPECTOR

⁴ Regulation 14(a) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.