
Appeal Decision

Site visit made on 22 February 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2022

Appeal Ref: APP/W4705/Z/21/3289873

Bracken Hall Countryside Centre, Glen Road, Baildon BD17 5EA

- 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 Katie Whitham (Baildon Town Council) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/04819/ADV, dated 6 September 2021, was refused by notice dated 11 November 2021.
 - The advertisement proposed is double sided information panel to inform people of Bracken Hall Countryside Centre and further information about the surrounding area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the advertisement has altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have considered the appeal on this basis.
3. The double-sided information panel (DSIP) was in place at the site at the time of my site visit. It appeared to broadly conform with the dimensions detailed within the application. For the avoidance of doubt, it is those measurements on which the appeal has been determined.
4. The appellant alluded to an argument that express consent is not required, or that the advertisement is lawful, however the appeal follows an application for express consent and I am determining it on that basis.
5. It is open to the appellant to apply to have these matters determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.
6. The Council has drawn my attention to Development Plan Policy they consider to be relevant to this appeal and I have taken it into account as a material consideration. However, powers under the regulations 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.

Main Issue

7. The main issue is the effect of the advertisement on amenity.

Reasons

8. The DSIP is located within open space on Bracken Hall Green, closely to the south west of Glen Road.
9. Whilst Bracken Hall Countryside Centre sits to the north east of Glen Road ,the area to the south west of Glen Road has an open and spacious character with long distance views available to the south west above the trees which occupy falling land to this side of the site. The open space is generally free of structures, other than the occasional bench or bin which sit at very low levels.
10. Whilst largely using natural materials, within this setting, the DSIP forms a prominent structure given its height and width and also as a result of the bulk that is created partly as a result of the pitched roof which shelters the information panels.
11. It contrasts markedly with the open character of the land on this side of Glen Road and forms a visually incongruous feature. Therefore, by reason of its siting, scale and bulk the DSIP has an unacceptable impact on the visual amenity of the area.
12. I have taken into account policies EN4 and DS2 of the Bradford Core Strategy (2017) which amongst other things seek to protect visual amenity and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other Matters

13. I appreciate that being able to display information about the locality and nearby activities is potentially useful to visitors and the provision of such information could have associated modest economic, social and environmental benefits.
14. However, advertisements are subject to control only in the interests of amenity and public safety. There is also nothing to indicate that such information could not be provided in a less harmful way.

Conclusion

15. For the reasons given above, I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR