

# Appeal Decision

Site visit made on 1 March 2022 by A Coombes

**Decision by A McCormack BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 April 2022**

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**Appeal Ref: APP/B4215/Z/21/3284278**

**Site Address: 11 Derby Street, Manchester M8 8QE**

- 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 Miss Shayheda Butt against the decision of Manchester City Council.
  - The application Ref 131338/AO/2021, dated 11 August 2021, was refused by notice dated 29 September 2021.
  - The advertisement proposed is the installation of 7 x non illuminated poster signs to building.
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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 advertisement was in situ at the time of site visit and therefore the appeal has been considered on a retrospective basis.
4. The description provided by the appellant on the application form was "there is no change of use. We require permission to place signage around the building". As this did not adequately describe the advertisement, the description provided by the Council on the decision notice has been used.
5. The appellant has requested the oral hearing process. The written representations process is typical for cases such as this and therefore is considered the appropriate route.

## Main Issue

6. The Council did not refuse the application in respect of public safety and therefore the main issue is the effect of the proposed advertisement on the amenity of the area.

## Reasons for the Recommendation

7. The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) (the Regulations) set out that powers under those Regulations shall be exercised in the interests of amenity and public

safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.

8. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework (the Framework), issued 2021, sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
9. The appeal site is a flat roofed, red brick property situated on the corner of Derby Street and Stocks Street. The building is currently in use as a solicitor's office and the surrounding area is predominantly commercial. The application seeks retrospective permission for 7 non illuminated poster signs, which are pinned to both of the side elevations of the appeal site.
10. The 7 poster signs display information relating to the business in various colours, fonts and sizes, thus lacking a cohesive design. They are positioned at different heights, which also contributes to an incohesive appearance. Though the appellant has commented that all of the poster signs relate to the business, the number of signs is excessive for a building of this size and contributes to the existing advertisement clutter within the area. Cumulatively, the design, siting and number of poster signs cause harm to the amenity of the area.
11. It is accepted that the poster signs do not obstruct space or light and are non-illuminated. However, these matters do not outweigh the harm that has been identified to the amenity of the area, with specific regard to visual amenity. There are examples of similar advertisements within the area and the appellant notes that a previous advertisement was in situ at the appeal site, but it is not clear whether these benefit from consent.
12. For the reasons given above, the proposed advertisement would cause harm to the amenity of the area. Though not decisive, regard has been given to Policies DM1 and SP1 of the Manchester Core Strategy, adopted 2012. Together these Policies require development to have regard to and enhance or create the character of the surrounding area. Regard has also been given to saved Policies DC15.1 and DC15.2 of The Manchester Plan, the Unitary Development Plan for the City of Manchester, adopted 1995. Together these saved Policies seek to resist advertisements that are visually obtrusive and do not contribute positively to the locality.

### **Other Matters**

13. The appellant has queried whether consent is required and has specifically mentioned Class 2B of the Regulations. However, in the appeal process relating to an application for advertisement consent, a formal decision cannot be given as to whether consent is required. Furthermore, the ownership of the building is non-determinant in this appeal, which has been determined on its merits.

### **Conclusion and Recommendation**

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

*A Coombes*

APPEAL PLANNING OFFICER

**Inspector's Decision**

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be dismissed.

*A McCormack*

INSPECTOR