



Appeal Decision

Site visit made on 29 March 2022 by A Coombes

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/C4615/Z/21/3289344

Halesowen Athletic & Cycling Club, Manor Way, Halesowen B62 8RW

- 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 Keith Weavin (HACC) against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1274, dated 28 June 2021 was refused by notice dated 8 November 2021.
 - The advertisement proposed is display of 1 no. non-illuminated entrance sign.
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Decision

1. The appeal is allowed and consent is granted for the display of 1 no. non-illuminated entrance sign. 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.

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.

Procedural Matters

3. The description on the application form was "entrance to venue sign". However, the more detailed description, as provided by the Council, has been used on this appeal.
4. Evidence has been provided to show that during the application phase the appellant indicated that the dimensions of the advertisement could be reduced. The Council has since confirmed that it did not formally accept the changes and nor were these amended plans considered by the highway authority. Therefore, I consider that it is appropriate to determine this appeal based on the originally submitted plans.

Main Issues

5. The main issues are the effect of the proposed advertisement on
 - the amenity of the area; and
 - public safety, with particular regard to highway safety.

Reasons for the Recommendation

6. 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.
7. The appeal site is an athletic and cycling club located off of the A456. The site is accessed via a small, slightly concealed side road, which leads down a tree lined road towards a cycling and running track as well as changing facilities and a club house with parking. The surrounding area to the front of the appeal site is mixed use, with residential and light industrial properties nearby. The backdrop to the appeal site is largely undeveloped with soft landscaping and mature trees. The site is within the Green Belt boundary and an Area of High Historic Landscape Value (AHHLV). The proposal seeks consent for the installation of a non-illuminated freestanding aluminium panel sign, which will advertise the facilities.

Amenity

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. Whilst the area is described by the Council as sensitively landscaped and is characterised by soft landscaping and mature trees, there are breaks to this character in the form of residential and commercial development as well as advertisements such as the totem sign at the nearby Shell garage. Notwithstanding the designations in place, the Council has confirmed that the principle of signage would not result in over proliferation, and I have no reason to disagree. Although the advertisement would alter the currently open view towards the appeal site and related landscaping, it would not be of a scale that would appear obtrusive or result in undue harm to the amenity or local distinctiveness of the area.
10. Due to its size and design, the sign would have space to display information clearly to promote the site to passing traffic. Furthermore, the elevated position, which would not be too dissimilar in height to the nearby road sign, would also help drivers take in the content. The sign would also be offset from the nearby road sign, which would ensure that the area would not appear cluttered, and the signage would not be in conflict with one another.
11. It is acknowledged that the site is situated within the Green Belt boundary. However, as per the Regulations, advertisements are subject to control only in the interests of amenity and public safety and issues relating to inappropriateness within the Green Belt do not apply. Whilst regard has been given to the wider setting of the advertisement, as identified above no harm has been found to the amenity of the area. Therefore, Policy S23 of the Dudley Borough Development Strategy (DDS), adopted 2017, is not directly relevant to this proposal.

12. For the reasons given above, the advertisement would not cause harm to the amenity of the area, and consequently would not harm the AHHLV. Though not decisive, regard has been given to Policy ENV2 of the Black Country Core Strategy (CS), adopted 2011, and Policy D12 of the DDS. Together these Policies seek to resist development that does not protect the special qualities, historic character and local distinctiveness of the Black Country or is detrimental to the amenity of the surrounding area. Further regard has been given to Policy S13 (DDS) which seeks to resist development that would be harmful to the quality and character of AHHLVs.
13. The Council has referred to parts of the Dudley Shopfront & Advertisement Supplementary Planning Document (SPD), adopted 2017, relating to totem signs. However, although the proposed advertisement is raised from ground level, due to its dimensions it does not have the characteristics of a totem sign, which is typically taller than it is wide with multiple advertisement panels.

Public Safety

14. Although there is a slight curve in the road, the speed limit is 40mph and the sign would be visible from a sufficient distance for drivers to process the information. It would be offset from the nearby road sign, and it is likely that drivers attempting to access the site would be looking for the sign and would be focussed on that rather than the existing road sign and vice versa. Therefore, it is unlikely that the advertisement would appear unduly distracting.
15. The entrance to the site is small and inconspicuous and, due to the nature of the site activity, visitors may be unfamiliar with the layout and having no signage could lead to drivers making late manoeuvres. The proposed siting of the sign is considered appropriate to mitigate this potential harm. It is acknowledged that a flag sign further along the dual carriageway has been suggested and this could be applied for in a separate application. However, it would not alter the merits of the advertisement which is subject to this appeal.
16. For the reasons given above, the advertisement would not cause harm to public safety, with particular regard to highway safety. Though not decisive, regard has been given to Policy TRAN2 of the CS and Policy S17 of the DDS. Together these Policies seek to resist proposals that are likely to have transport implications and require development is in scale with transportation infrastructure and makes adequate and safe provision for access and egress by road users.

Conclusion and Recommendation

17. For the reasons given above, I recommend that the appeal should be allowed, subject to the five standard conditions.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR