



Appeal Decision

Site visit made on 21 July 2022

by Ann Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2022

Appeal Ref: APP/M0655/Z/22/3298338

Unit 6D to 6E, Junction Nine Retail Park, Hawleys Lane, Bewsey and Whitecross, Warrington WA2 8TW

- 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 Walker against the decision of Warrington Borough Council.
 - The application Ref 2022/40834, dated 18 January 2022, was refused by notice dated 17 March 2022.
 - The advertisement proposed is described as 'Planning Application :2no Internally illuminated SMD LED Digital Displays at Unit 6D&E Junction 9 Retail Park, Warrington, WA2 8TW.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of the advertisements set out in the banner heading above, which is taken from the application form, it is evident from the submitted details that the appeal relates to advertisements and is not a planning application. I have therefore considered the appeal on that basis as neither of the parties would be prejudiced or caused any injustice by me taking this course of action. I noted during my site visit that both advertisements had been installed at the appeal property and therefore the development is retrospective.
3. The Council draws attention to Section 38(6) of the 2004 Act¹ and has cited the Framework and Policy QE6 of the Warrington Borough Council Local Plan Core Strategy 2014, which seeks to ensure proposals do not, amongst other things, have an unacceptable impact on the surrounding area, in their reason for refusal. I have had regard to these as a material consideration, in so far as they relate to the main issue. However, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Regulations) states the power to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. Accordingly, whilst I have taken account of the Council's policy and the Framework, it has not, in itself, been decisive.
4. The appellant refers to highway safety; however, matters of public safety have been addressed by the Council and are not in dispute for the purposes of this appeal. I have no substantive basis to consider differently and so for the avoidance of doubt, my consideration relates only to visual amenity.

¹ Planning and Compulsory Purchase Act 2004

Main Issue

5. The main issue is the effect of the advertisements on amenity.

Reasons

6. The illuminated advertisements are affixed to projecting features above the entrance doors to a double fronted retail unit located within a row of similar units on a retail park. The retail park and its associated car park fronts a main route between Warrington town centre and the M62 motorway. The surrounding area has a mixed-use character which includes a public area of open space with children's playground, residential properties, retail, commercial and community uses. There are a variety of advertisements close to the site, including illuminated advertisements on the adjoining retail units as well as a number of totem signs.
7. The illuminated advertisements incorporate rotating digital imaging which slowly merges from one advertisement to the next. The images include the corporate logo of the occupier of the unit as well as other wording, incorporating changing colours. The appellant asserts the images change every 10 seconds; however, at my site visit I evidenced a more frequent change on both displays. I note the appellant has offered to retain the logo of the occupier of the unit for a longer display period; nonetheless, the advertisements will remain non-static and I have assessed the appeal on that basis.
8. Regardless of their content, given the changing nature of the advertisements, they appear more prominent, inconsistent, and incongruous than the static advertisements on adjacent retail units. Although adjacent advertisements are similarly large and most are illuminated, the constant introduction of different illuminated images at the appeal site, introduces unnecessary visual clutter and harmfully affects the quality and characteristics of the retail park and surrounding area.
9. I recognise that many large and illuminated advertisements can be found within the surrounding area and luminance levels and hours of operation can be controlled by condition. Nevertheless, this does not alter my conclusion above. Furthermore, I have taken into account the examples of advertisements provided to me by the appellant; however, these relate to advertisement hoardings rather than fascia signs and are found within different locational contexts. Therefore, they are materially different to the scheme before me.
10. For the above reasons, the advertisements cause unacceptable harm to amenity. As such, they conflict with Policy QE6 of the Warrington Borough Council Local Plan Core Strategy 2014 and paragraph 136 of the National Planning Policy Framework, which states the quality and character of places can suffer when advertisements are poorly sited and designed.
11. Whilst the Council has referred in its decision notice, to the advertisements also being likely to set an incongruous precedent, any future similar proposals would need to be assessed on their merits, regardless of the decision in respect of this appeal.

Other Matters

12. Matters relating to the Council's handling of the case and ownership of the land are separate to and do not ultimately influence the assessment of the appeal.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Ann Veevers

INSPECTOR