



Appeal Decision

Site visit made on 18 January 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2022

Appeal Ref: APP/T3725/Z/21/3283059

**Austin Heath Retirement Village, Gallagher Way, Heathcote, Warwick
CV34 6NL**

- 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 Inspired Villages against the decision of Warwick District Council.
 - The application Ref W/21/0593, dated 24 March 2021, was refused by notice dated 23 July 2021.
 - The advertisement proposed is 4 no. externally illuminated signs; 1 no. non-illuminated sign; and 3 no. flag advertisements.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the scheme relates only to the advertisements. Notwithstanding that the appellant has asked that I discount the hoarding from my assessment, it is nevertheless indivisible from the scheme as a whole. It is a separate matter whether or not such structures benefit from permitted development rights; the appeal before me is for advertisement consent. In that context I nonetheless note that it is legitimate for me to consider the effect of the proposal, given the statutory definition of advertisement¹. At the time of my site visit the hoarding and some advertisements thereupon had been installed.
3. The appellant has submitted amended plans with the appeal. Briefly, they comprise the reduction in height of the flag advertisements so that they no longer require planning permission. This is partially in response to the Council's reasons for refusal. The changes, on their face, are not extensive, and they do not represent a noticeable departure from the scheme that the Council considered. No third parties have commented on the application, or the appeal and the Council have had the opportunity to review the amended plans through the appeal process. Therefore, accepting the amended plans would not result in prejudice to the Council or third parties. I have therefore taken the amended plans into account in making my decision.

Main Issue

4. The main issue is the effect of the proposal on the visual amenity of the area.

¹ Section 336(1) of The Town and Country Planning Act 1990

Reasons

5. The appeal site is in a predominantly residential area towards the outskirts of Leamington Spa. The appeal site is located on one of four corners of a roundabout. Two of the other corners are undeveloped areas of land and the other being open amenity space with tree planting and footpaths. Boundary treatments to both nearby built development and the undeveloped land and amenity space consist of hedgerows and low post and rail/wire fencing with planting. The areas of open undeveloped space combined with grass verges and the boundary treatments creates a pleasant open verdant character.
6. The proposed advertisement is located at the boundary to a recent development of two and three storey buildings as part of a retirement village. The advertisements face towards the adjacent roundabout and are therefore highly visible from the surrounding footpaths and roads. The submission by the Council and the appellant notes that prior to the construction of the hoarding the appeal site comprised an area of shrub planting set behind grass providing a buffer between the highway and built form.
7. The proposal would involve a hoarding measuring some 30 metres in width and 2.4 metres in height with externally illuminated advertisements located in a prominent position. Whilst hedgerow either side of the advertisement would remain, the scale of the hoarding and materials used would be stark when seen in the context of adjoining and nearby soft landscaping. The proposed advertisement would result in a visually incongruous feature that would stand out from the soft landscaping in the area and would dominate the street scene. This impact would be compounded by its prominent location and large illuminated lettering that would significantly draw the eye, further accentuating its visual prominence and harmful effect on the amenity of the area. As such, the appeal proposal would appear as a prominent and visually intrusive feature and would have a harmful effect on amenity.
8. The appellant has drawn my attention to similar advertisements nearby, and whilst I do not have full details of these advertisements, they do not appear to be located in as prominent a position as the proposal. Nevertheless, the existence of similar developments does not justify development that has a harmful effect on the amenity of the area.
9. In accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), I have taken into account the provisions of the development plan in so far as they are relevant. Whilst Policy BE1 of the Warwick District Local Plan (2017) does not specifically reference advertisements it does require that all new forms of development harmonise with, or enhances, the existing settlement in terms of physical form. As such this policy is considered material insofar as it is relevant to visual amenity.
10. I conclude that the proposal would by reason of its location, height, size, and illumination, adversely affect the visual amenity of the area. As such, the proposed advertisements would run contrary to the aims of Policy BE1 and would be contrary to paragraph 136 of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

11. The appellant has referred to a previous advertisement located at the site. However, I have not been provided with full details and the photograph in the appellants submission details smaller advertisement set around a landscaped area, which differs significantly from the proposal. Nevertheless, my decision focusses on the public acceptability of the scheme before me.

Conclusion

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

Tamsin Law

INSPECTOR