



---

# Appeal Decision

Site visit made on 14 February 2023

**by Tamsin Law BSc MSc MRTPI**

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

**Decision date: 13<sup>th</sup> April 2023**

---

**Appeal Ref: APP/T3725/Z/22/3306776**

**Leamington Spa Railway Station, Old Warwick Road, Leamington Spa, CV31 3NH**

- 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 Network Rail against the decision of Warwick District Council.
  - The application Ref W/22/0329, dated 16 February 2022, was refused by notice dated 20 July 2022.
  - The advertisement proposed is replacement of existing 1no. externally illuminated 48 sheet advertisement billboard with 1no. 48 digital LED advertisement display.
- 

## Decision

1. The appeal is allowed and express consent is granted for the replacement of existing 1no. externally illuminated 48 sheet advertisement billboard with 1no. 48 digital LED advertisement display as applied for. 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 and the following additional condition;
  - 1) All advertisements displayed on the units hereby approved shall be subject to a rotation time of 20 seconds.

## Preliminary Matter

2. The application form does not contain a site address, as such I have used the address included in the Council's decision notice.

## Main Issue

3. Powers under the Regulations<sup>1</sup> to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The Council has raised no objection in respect of public safety subject to conditions and I observed nothing which would lead me to dispute this conclusion. Accordingly, the main issue in this case is the effect of the advertisement on the visual amenity of the area.

## Reasons

4. The site is within the Royal Leamington Spa Conservation Area (CA), where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The significance of which the CA is derived from the impressive Regency period and later planned development of terraces and villas.

---

<sup>1</sup> The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

5. The appeal site consists of an area land adjacent to the pavement adjoining A425 (Old Warwick Road). The appeal site is located in front of a surface car park which appears to be associated with the adjoining Leamington Spa railway station. The A425 provides access to the railway station and is a heavily trafficked location. The site has a number of existing advertisements, four of which are externally illuminated. Due to the number of existing advertisements the site does not contribute positively to the CA.
6. The proposal upon which the Council made its decision, would involve the removal of 48-sheet billboards and replacement with a single 48-sheet digital LED display. The proposed advertisement would be installed at the same height of the existing advertisements.
7. The 48-sheet LED display as proposed would reduce the number of advertisements displayed in the location facing the A425 and would be of a comparable size to the existing advertisements. As a consequence, it would not be an incongruous or overly dominant feature in a street scene where a variety of 48-sheet displays are commonplace. The proposed LED display would be viewed against the backdrop of commercial development and would reduce the overall clutter of advertisement through the removal of existing advertisements. The reduction in clutter would have a positive impact on the CA.
8. Having regard to the above, the LED display would not have an adverse effect on the character and appearance of the area, and, therefore, amenity. The visual amenity of the area would be improved by removing six existing advertisements.
9. Therefore, the proposed advertisement would not harm visual amenity. It would preserve the character and appearance of the area and the CA. It would comply with the visual amenity aims of the National Planning Policy Framework.
10. While the Council's decision refers to Policies BE1, BE3 and HE1 of the Warwick District Local Plan these all relate to development. As advertisements are not development in planning terms these policies have not been determinative.

### **Conditions**

11. In order to ensure that proposal remains acceptable in terms of highway safety I consider it necessary to attach a condition relating to the rotation time of the advertisement.

### **Conclusion**

12. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity.

*Tamsin Law*

INSPECTOR