



Appeal Decisions

Site visit made on 1 August 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2023

Appeal A Ref: APP/G1630/H/22/3299606

Cheltenham Tigers Rugby Club, Newlands Park Sports and Social Venue, Southam Lane, Southam, Cheltenham GL52 3PE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Cheltenham Rugby Club & Elonex against Tewkesbury Borough Council.
 - The application Ref 22/00071/ADV is dated 20 January 2022.
 - The advertisement proposed is described as 'Two free standing digital advertising and information screen signs (internal LED lighting) for Cheltenham Rugby Club each measuring 6m X 3m for the display of static poster advertisements to replace the existing signage and generate revenue for the rugby club and sports and social venue'.
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Appeal B Ref: APP/G1630/H/22/3307139

Cheltenham Tigers Rugby Club, Newlands Park Sports and Social Venue, Southam Lane, Southam, Cheltenham GL52 3PE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Cheltenham Rugby Club & Elonex against Tewkesbury Borough Council.
 - The application Ref 23/00372/ADV is dated 6 June 2002.
 - The advertisement proposed is described as 'Freestanding digital advertising and information screen sign (internal LED lighting) for Cheltenham Rugby Club measuring 6m X 3m to replace the existing signage'.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matters

2. As set out above, there are two appeals on the site. They differ in that Appeal A relates to the erection of 2 digital advertisement signs and Appeal B is for a single digital advertisement sign. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The Council failed to determine the applications within the prescribed periods. However, following the submission of the appeals, the Council has prepared a

written statement for each appeal. These advise that had the Council determined the applications, advertisement consent would have been refused in both cases. Putative reasons for refusal are given and identify that the principal concerns relate to the main issue set out below.

4. The Council raise concerns regarding the effect of the proposals on the Green Belt. However, in accordance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) advertisements are subject to control only in the interests of amenity and public safety. This is reflected in the National Planning Policy Framework (the Framework) which sets out that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Accordingly, the location of the site within the Green Belt is only relevant to my determination of the appeals insofar as the assessment of the effect of the proposed advertisements on amenity in the surrounding context. Consequently, the development plan and the Framework policies relating to considerations such as 'inappropriateness' and 'very special circumstances' in the Green Belt are not relevant to my decision on each appeal.
5. Amended plans were submitted to the Council in relation to Appeal A, after the submission of the appeal. If an appeal is made the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and interested parties at the application stage. In the interests of clarity, I have determined the appeal on the basis of the drawings that were before the Council when the appeal against non-determination was lodged.
6. In both Appeals I have taken the description of development from the application form. Whilst I note that Appeal B relates to a revised scheme, I have removed reference to this in the description as this is not an act of development.

Main Issue

7. The main issue in both appeals is the effect of the proposed digital advertising display units upon amenity.

Reasons

8. The appeal site lies at a busy crossroads at the junction of Southam Lane, Hyde Lane and the A435. The surrounding area is characterised by commercial uses which adjoin areas of open countryside including mature tree belts and hedgerows. Consequently, despite the presence of the street lighting, traffic lights, pole mounted CCTV, telegraph poles and directional signage at the highway junction, the area has a pleasant verdant semi-rural character.
9. Appeal A seeks to erect 2 freestanding, pole-mounted LED digital advertising display units, whereas Appeal B seeks to erect one digital advertising display unit. They would be used to advertise the rugby club, the sports and social venue and by club sponsors to display static images which would change instantaneously.
10. In both cases the advertisements would be sited at the corner of the rugby club grounds, which comprises pitches and associated parking and ancillary buildings. The signs would be adjacent to the boundary of the site, orientated

to front the junction. There are various free-standing pole mounted and banner signs to the existing boundary of the site, as well as at the nearby commercial premises. However, the proposed digital signs would be in stark contrast to these in terms of design, scale and appearance, together with their internal illumination. Consequently, this would result in overly conspicuous and visually intrusive feature(s) as proposed in both Appeal A and Appeal B when viewed in the context of their immediate surroundings and semi-rural setting, particularly in periods of darkness. In reaching that view, I have taken into account the lamp posts and floodlights in close proximity to the site, however these differ from the illumination of the proposed signs in that they are typically narrow columns with a single focussed point of light source.

11. Consequently, the proposed digital advertisement signs, due to their prominent position, size and illuminated content would be an anomalous feature, inconsistent with the host site and the prevailing semi-rural character of the area. Whilst a single sign, as in the case of Appeal B would lessen the effect to a degree, it would nevertheless appear as a dominant and alien feature which would detract from the character of the area, for the reasons set out above.
12. The appeal submissions indicate that the proposed advertisements in both Appeals A and B would enable the removal of the existing advertisement signage on the site frontage and replacement with a modern single platform. The appellant suggests this would offer benefits in terms of the appearance of the site and that this could be secured by a suitable condition. However, the existing signage is much smaller in scale and is not internally illuminated. As such the existing signs are not visually intrusive and do not harm the amenity of the area. Consequently, even if the existing signage were to be removed in lieu of the proposed signs, it would not overcome the harm I have identified.
13. For the above reasons, I conclude that the proposed digital advertisement signs in both Appeal A and B would have an unacceptable effect on the visual amenity of the area. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material, although they have not been decisive. The proposals would conflict with Policy DES3 of the Tewkesbury Borough Plan adopted 2022 (TBP) which sets out that advertisements, signs and notice boards will only be permitted where they are well sited, in scale and character with, and of a design appropriate to, the locality. They would also fail to reflect the aims of the Framework which highlights that the quality and character of places can suffer when advertisements are poorly sited and designed.
14. The Council's submissions also indicate conflict with Policy SD5 of the adopted Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy adopted 2017 and Policy GRB4 of the TBP. However, as these policies relate to the Green Belt, they are not determinative in the appeal.

Other Matters

15. I note the contribution the facilities at the club make to the wider community through the provision of a range of sports facilities and the associated benefits of these. The appeal submissions indicate that the digital advertisement signs would generate additional revenue which would provide financial support for these activities. The advertising space would also be used by the rugby club to promote participation in sport and health and well-being as well as advertising for local businesses, which would offer economic and social benefits.

16. However, there is no substantive evidence that additional funds are required to maintain the continued operation of the club and the availability of its range of facilities, nor am I aware that any mechanism is in place to secure the use of any income generated by the development for such purposes. Moreover, as set out above, advertisements should be subject to control only in the interests of amenity and public safety. There is no indication in the Regulations, the Framework or the Planning Practice Guidance that any other factors, including financial benefits, can be taken into account.
17. In terms of public safety, the position of the advertisements in Appeal A and B would not obstruct or impair sightlines nor the understanding of existing traffic signs or signals. I am satisfied that with the imposition of appropriate conditions they would not be unduly distracting when travelling past the site or when entering or exiting the crossroads as the presence of existing advertisements is an established feature of the surroundings. It follows that the advertisements would not be harmful to public safety. Nonetheless, the absence of harm in that respect is a neutral factor which does not justify the harm otherwise identified in terms of amenity.
18. As mentioned above, I have considered the conditions suggested by the appellant. However, none of them, including those relating to luminance, static images, minimum display time, and changing of images, would overcome the harm to the amenity of the area. In relation to Appeal A, I note the appellant's willingness to accept a condition to allow only one of the consented advertising units to be displayed at any one time. Nevertheless, given my findings in relation to Appeal B, this would not overcome the harm to amenity I have identified.

Conclusion

19. For the reasons set out above, and having had regard to all other matters raised, both Appeals A and B are dismissed.

E Worley

INSPECTOR