



Appeal Decision

Site visit made on 26 September 2023

by K Mansell BA (Hons) MPhil TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal Ref: APP/A2335/Z/23/3327839

Wyreside Hall, Dolphinhholme, Lancaster, LA2 9DH

- 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 Wyreside Hall Ltd against the decision of Lancaster City Council.
 - The application Ref 23/00706/ADV, dated 19 June 2023, was refused by notice dated 9 August 2023.
 - The advertisement proposed is described as 'flag pole x 2'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the absence of a date on the application form, the date of the application in the banner heading above is taken from the decision notice.
3. I saw on my site visit that the flag poles were in place. I have determined the appeal on the basis that consent is sought for the flagpoles as installed.
4. In its delegated report, the Council refer to Chipping Lane. This is also cited on the location plan. The appellant's evidence refers both to Chipping Lane and Chipping Road. In the absence of a street sign to confirm it, I have used Chipping Lane as this is taken from the decision notice and used by both parties.
5. The Regulations¹ and the National Planning Policy Framework (the Framework) state that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The parties have drawn my attention to policies of A Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD (LP Part One), adopted July 2020 and A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD (LP Part Two), adopted July 2020, which they consider to be relevant to the appeal. This includes the Council identifying in the decision notice that they consider that the proposal fails to accord with Policy EN3 of the LP Part One and Policies DM21, DM29, DM39 and DM46 of the LP Part Two. I have taken the policies into account as material considerations, in so far as they are relevant to amenity and public safety. The Council's reason for refusal relates specifically to matters of amenity.
6. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

interest². Moreover, the statutory duty under s66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (PLBCAA) refers to whether to grant planning permission. Consequently, it does not apply to this appeal. Equally, s16(1) of the PLBCAA is not applicable. The setting of a listed building is, however, likely to be a relevant material consideration when considering the effect on 'amenity'.

Main Issue

7. The main issue is the effect of the advertisement display on the amenity of the surrounding area.

Reasons

8. The appeal site is positioned adjacent to an access to Wyreside Hall from Chipping Lane. The Hall, which is not visible from the road at this point, is presently used as a wedding venue. The area surrounding it is rural in character. Chipping Lane is a country road, notably characterised by walled sections, as well as areas of reasonably high hedgerow and vegetation along its edge. Travelling along it, I observed on my site visit that views of surrounding hillsides and fields could be glimpsed, giving a sense of being within the wider open countryside.
9. The two flagpoles that are the subject of this appeal sit either side of a track providing access to the Hall from Chipping Lane. They are painted white and appear to narrow slightly to a finial at the top. At the time of my site visit, they were each displaying the National flag. The poles are positioned a modest distance back from the highway. Each is set behind a stone pillar that supports a pair of black metal gates, which create a formal gateway to the main house.
10. In front of this gated entrance is a small open area connecting the track to Chipping Lane. On its south side is a triangular patch of grass. This is delineated by a stone boundary wall that is set in from the road by a modest grass verge. 'Wyreside Hall' is engraved into a section of it. On the northern side, it is directly overlooked by the front neo-classical façade of the single storey Grade II listed Wyreside Lodge.
11. The principal elevation of the Lodge, which is side-on to the estate entrance, incorporates a substantial stone portico above the front door, decorated with a moulded pediment and ionic columns. On my site visit, I observed that travelling in a southerly direction along Chipping Lane, views of the Lodge are limited, being set back and somewhat screened by a stone wall and vegetation. Going the other way, the building is glimpsed, and the main elevation becomes visible as the entrance to the Hall is reached.
12. Even though the Lodge is of a modest scale and reasonably secluded in its position within the landscape, part of its significance derives from being the gate house to Wyreside Hall, purposefully designed as the first encounter at the roadside on the formal driveway approach to the main house. Along with the gated entrance, the Lodge serves to delineate the boundary to the wider estate. Its setting is therefore closely associated with this immediate context. As the flagpoles are visible within the visual frame of the gates, they form part of the setting in which the listed building is experienced.

² Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

13. At least on direct approach from Chipping Lane, the flagpoles are clearly seen above the gated entrance. Furthermore, being also taller than the Lodge and white in appearance, they do draw the eye away from the listed building. Even if they do not physically intrude on the structure, as a result of their colour and height, the flagpoles introduce a somewhat incongruous feature into the visual frame of the entrance. Whilst, as a consequence of the slimline form of the flagpoles and their perpendicular position to the Lodge, the harm to the listed building is relatively modest, they nonetheless detract from its setting. This is harmful to amenity.
14. On my site visit, I also observed that approaching the entrance in a more southerly direction along Chipping Lane, the flagpoles were experienced within a view of the hills beyond the site. The vista was framed also, by the mature tree to the right of them. Furthermore, positioned behind the substantial stone gate posts, their lightweight form and white colour appeared stark and somewhat alien against this natural backdrop and jarring with the character of the surrounding open countryside. The visual effect of the flagpoles when observed from those vantage points is also harmful to amenity.
15. The appellant has referred to the potential public benefits of the flagpoles, principally in terms of the advantages afforded to wayfinding for visitors to the Hall and associated gains inferred for users of the adjacent highway. However, there is no indication in the Regulations or the Framework that any factors other than amenity or public safety can be taken into account either for, or against, an advertisement proposal.
16. Even if potential benefits were to be considered, I acknowledge the appellant's submission that the flagpoles would make the entrance to the Hall more obvious in both directions, reducing the potential for visitors to drive past and to then need to turn around or make a 'U-turn' along the lane. However, I have no substantive evidence that any limited effect in that respect would reduce the risk of accidents in the immediate vicinity. The most serious accidents cited by the appellant near to the appeal site involved cyclists. There is no indication that they were associated with visitors to the Hall. As a result, any directional benefits to highway safety would not outweigh any identified harm.
17. I am mindful that the appellant has cited examples of advertisements in historically sensitive locations. In the first, at the entrance to a Grade I listed Hall, the photograph shows a line of cars and a two-way carriageway, suggesting a different main road type of frontage that is not comparable with the circumstances of the narrower and more rural form of Chipping Lane. The examples at Wray Castle and Keddleston Hall show flags either immediately adjacent to, or placed on the buildings, thereby physically within the same context. In comparison, the appeal advertisements are some distance from Wyreside Hall. As a result, I do not find these examples directly comparable with the appeal scheme. Moreover, I am required to reach conclusions based on the individual circumstances of this appeal.

Other Matters

18. Based on the evidence before me, there is no dispute between the parties that the appeal signage does not harm public safety. Taking account of my own observations during my site visit, I have no reason to take a different view. The flagpoles would not restrict visibility along the adjacent highway or provide an

undue distraction for users travelling along it. However, the absence of concern in that respect does not justify the harm to amenity I have otherwise identified.

Conclusion

19. For the reasons set out above, I conclude that the advertisements are harmful to amenity. Whilst the development plan policies are not determinative, the proposal conflicts with Policy EN3 of the LP Part One and Policies DM21, DM29, DM39 and DM46 of the LP Part Two insofar as relevant to amenity considerations and the Framework in that respect. Accordingly, the appeal should be dismissed.

K. Mansell

INSPECTOR