

Appeal Decision

Site visit made on 24 October 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2023

Appeal Ref: APP/K2420/Z/23/3326892

Hill Top Works, 2 Keats Lane, Earl Shilton, Leicestershire LE9 7DP

- 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 Mrs Jayne Johnson (JAIL UK Ltd on behalf of Trustees of Dentons SIPP Pyne & Johnson) against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 23/00457/ADV, dated 8 May 2023, was refused by notice dated 12 July 2023.
 - The advertisement proposed is billboard advertisement to gable wall.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the area, including the setting of the Grade II listed Top House.

Reasons

3. The proposal is for a paper and paste externally illuminated static advertisement. The billboard would be located on the first floor side elevation of a two storey building, which is part of Hill Top Works, a large brick building close to the edge of Earl Shilton with open countryside to the north. The site is within an area characterised by residential properties and some commercial uses.
 4. The wall on which the advertisement would be sited is a highly prominent feature of the street scene, reflecting the scale and location of the Hill Top Works as a significant building at the northern entrance to the settlement. The gable wall, large chimney, windows and visible part of the work's rear elevation make a positive contribution to the street scene due to their association with the overall building, which is of traditional character and appearance.
 5. The gable wall is also seen in the context of Top House to the immediate north of the appeal building. This is a large detached dwelling with grade II listed status which retains its original design and features, despite some signs of disrepair. The proposed site of the advertisement is, therefore, within the listed building's setting. The predominant character and appearance of the
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street scene is of unspoilt and unaltered buildings, reflecting the historic development of this part of the settlement.

6. There is an example of an existing billboard to the side of No 18 Hill Top, which is itself prominent in the street scene and would be seen in conjunction with the proposed advertisement. This existing advertisement represents a significant visual intrusion into the otherwise unspoilt street scene. The addition of a further advertisement of substantive size and prominence on higher ground on the opposite side of the road, would harmfully disrupt and erode the existing character and appearance of the street scene, as described. Moreover, it would harmfully impinge on the visual relationship between the side of the Hill Top Works building and Top House, thereby undermining the setting of the listed building.
7. Accordingly, for the above reasons, I conclude that the proposed advertisement would have an unacceptably harmful effect on the visual amenity of the area, including the setting of the Grade II listed Top House. Consequently, the appeal should not succeed. I have taken into account Policy DM10 of the Site Allocations and Development Management Policies DPD (2016), which includes the requirement for development not to harm local character; and Policies DM11 and DM12 of the DPD concerning the effect of development on the historic environment and heritage assets and which, therefore, are material in this case. Given that I have concluded that the proposal would harmfully affect the visual amenity of the area including the setting of Top House, the proposal is contrary to these policies. Policy DM23 is less material as it concerns advertisements on shop fronts.
8. I note that the Council considers that the proposal would not have an adverse impact on public safety and there is no basis for me to find otherwise.

Conclusion

9. For the reasons given, the appeal should not succeed.

J Bell-Williamson

INSPECTOR