



Appeal Decision

Site visit made on 23 October 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2023

Appeal Ref: APP/P2935/Z/23/3324907

Lidl, Unit 1, Hexham Gate Retail Park, Hexham, Northumberland NE46 3PD

- 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 Lidl Great Britain Ltd against the decision of Northumberland County Council.
- The application Ref 23/01138/ADE, dated 28 March 2023, was refused by notice dated 24 May 2023.
- The advertisement proposed is one totem sign.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In its Officer Report the Council has raised concerns regarding the effects on the setting of several listed buildings and the Hexham Conservation Area (CA). In doing so it has referred to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and the statutory duty under section 66(1) of the Act.
3. Section 72(1) requires that special attention shall be paid to the desirability of "preserving or enhancing the character or appearance" in a Conservation Area. However, the appeal site lies outside of the CA and the consideration of its setting does not apply within current legislation as Section 72(1) specifically refers to buildings or other land in a CA. Moreover, the statutory duty under section 66(1) requiring decision makers to have special regard to preserving the setting of a listed building or any features of special architectural or historic interest, only applies to the consideration of whether to grant planning permission.
4. Nonetheless, the Regulations¹ advise that factors relevant to 'amenity' include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Therefore, the location of the site in relation to the identified listed buildings and the CA is relevant to the consideration of 'amenity'.
5. The plans before me only show the front elevation and one side elevation of the proposed advertisement. The side elevation's profile suggests that signage would be displayed on both the front and rear. However, the Council's Officer Report confirms that following clarification from the applicant, the advertisements would only be displayed on the south facing elevation of the stone structure. Accordingly, I have assessed the proposal on this basis.

¹ Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Main Issue

6. The main issue is the effect of the proposed advertisement on the visual amenity of the area having regard to the setting of the Hexham CA and the following listed buildings:
- Abutments and retaining walls to road bridge over line to west and south of Hexham Railway Station (Grade II Listed);
 - Hexham Railway Station (Grade II Listed);
 - The Manor Office (Grade I Listed);
 - The Moot Hall (Grade I Listed); and
 - The Priory Church of St Andrews' (Grade I Listed).

Reasons

7. The proposed sign would be located on a parcel of land on the opposite side of the road to a Lidl supermarket, adjacent to a roundabout and a railway bridge. This side of the road has a more open quality due to the distance to the nearest buildings to the north east, the topography and the attractive views of the wide open undulating landscape beyond. In this regard, it lies on the edge of a mixed commercial area on the southern side of the railway line, which includes, amongst other things, supermarkets, a leisure centre, railway station and a car sales dealership.
8. Part of the grade II listed abutments and retaining walls to the road bridge are adjacent to the appeal site. Its significance, insofar as it relates to this appeal, is derived from its age, surviving traditional materials and the high quality of its architectural detailing for what is a functional structure. Its setting is associated with the transport routes, and the appeal site, lying next to the railway line and road network forms part of this setting. The open undeveloped qualities of that setting, which includes the appeal site, make a positive contribution to its significance to the extent that it enables the abutments and retaining walls to be experienced from the adjacent footway.
9. The grade II listed Hexham Railway Station is located a short distance to the east of the appeal site. The railway station dates to the 19th century and comprises, amongst other things, the station house, offices, rooms, and the canopy over the south platform. The appeal site is positioned near the railway line a short distance from the station and forms part of its wider setting. However, the distance and intervening change in topography to the station means the appeal site contributes little, if anything, to the significance of this listed building, or its setting.
10. The grade I listed Manor Office, The Moot Hall and The Priory Church of St Andrews' are all located within the town centre. In so far as they relate to this appeal, their significance is derived from their respective historical and architectural interests including their use, age, form, and fabric. They sit prominently within the town and their setting extends beyond the historic core. Their prominence within the wider area reflects their historical and social importance to the community. The Hexham CA expands from the historic core of the town, including toward the site to encompass the railway station but excluding the more recent mixed commercial area. From my observations, the

significance of the CA is derived from its historic, evolving, and high-quality townscape and the diversity of its architecture.

11. The A6079 is a historical route to the town centre, and from here, the grade I listed buildings are seen in an elevated position within the CA. They create a distinctive and dramatic view as the buildings within the CA spill down the hill from the historic core. These views form part of the CA and the above-mentioned grade I listed building's setting and positively contribute to their significance. The appeal site forms a part of this view, and its open undeveloped qualities within their setting, thus make a positive contribution to their significance, albeit to a very small degree given the size of the site.
12. The proposed advertisement would incorporate stonework to help assimilate with the boundary wall along the footway. However, its height rising above the wall, its width and the nature of the signage would result in a strikingly vibrant and modern feature that is designed to draw attention to the three businesses it would advertise.
13. Due to the position and orientation of the proposed advertisement it would be most prominent when leaving Hexham along Alemouth Road on the approach to the roundabout. Within this view, the proposal's position would not relate well to the businesses it would advertise and combined with its eye-catching nature, it would be seen as an isolated, incongruous intrusion into the attractive view of the bridge and landscape beyond.
14. Moreover, due to its close proximity and the modern vibrant nature of the advertisement, combined with its height, it would intrude significantly into views of the listed abutments and retaining walls, from the adjacent footway. In this regard, it would erode the contribution that its open setting makes to the significance of this listed building.
15. I recognise that the level of illumination proposed has been kept to a relatively low level and the hours of illumination could be controlled by way of a condition. However, and although not determinative, the illumination at night would, nonetheless accentuate the harm from its divorced position away from the light, buildings and the activities associated with the businesses that the proposal would advertise.
16. From the left-hand carriage of the road over the bridge heading towards the town, the proposal would be angled away from the main view of the town's historic core. However, from the western footway over the bridge, the rear elevation of the advertisement would appear within the historic views of the CA and the above-mentioned grade I listed buildings. Here, the proposal would appear directly below the views of the Moot Hall and impede views of the historic buildings in the CA that rise up the hillside toward the town core. Even without an advertisement on the rear elevation, due to the size of the structure, its positioning adjacent to the bridge and set in the foreground of the historic core of the town, the proposal would appear an incongruous addition. In this regard, the proposal would also erode the contribution that the appeal site's open setting makes to the significance of the CA and the grade I listed buildings.
17. Due to the distance, changes in ground level and size of the proposed sign I do not consider that the proposal would harm the very small contribution that the

appeal site's open qualities make to the significance of the listed railway station or its setting.

18. I note that Historic England raised no objections to the proposal. Nonetheless, for the reasons given above, I find that the proposal's presence in this highly visible position divorced from the buildings it is intended to advertise, would erode the quality of the area around the bridge over the railway line, including its listed abutments and the attractive views of the landscape beyond the town. This, combined with the erosion of views of the historic core of the town from the footway over the bridge, including the CA and the above-mentioned grade I listed buildings, would be harmful to the visual amenity of the area.
19. In reaching this conclusion I have had regard to the other advertisements in the area including the Waitrose totem sign, the flagpoles on the Bristol Street Motors site and the other advertisements at the Lidl, Travelodge, and McDonalds sites. However, these signs are located on the same side of the road as the respective businesses within their respective sites. In this regard, they have a closer relationship to the commercial buildings than the appeal scheme before me, even if the appeal site is within the ownership of the appellant. I accept that these existing signs also erode the setting of heritage assets to varying degrees. However, from the evidence before me, none of the other examples are positioned adjacent to a listed building like the appeal site is. Moreover, my concerns relate, not to the principle of advertisements in this area, but to the specific location of the proposed advertisement and they do not, in this regard, justify the harm that I have identified in this appeal.
20. I therefore conclude that the proposed advertisement would have a harmful effect on the visual amenity of the area having regard to the setting of nearby heritage assets. The Council has cited the National Planning Policy Framework, Policies QOP 1, QOP 2, ENV 1, ENV 7 and ENV 9 of the Northumberland Local Plan and Policies HNP2, HNP3 and HNP7 of the Hexham Neighbourhood Plan in its refusal of consent. I have taken them into account as material considerations. However, the power to control advertisements under the Regulations may be exercised only in the interests of public safety and amenity. Consequently, they have not, in themselves, been decisive in my determination of the appeal.
21. It is put to me that the appeal proposal is a necessary component of the wider commercial development. However, there is no substantive evidence to support this, and there are already other signs on the businesses that would be advertised by the appeal proposal. Moreover, as the power to control advertisements under the regulations is exercised in the interests of public safety and amenity, any small social or economic benefits emanating from the proposed advertisement does not outweigh my conclusions on the main issue. Neither does the absence of harm in relation to public safety matters or absence of objections from some consultees.
22. I note that the appellant has made changes to their initial scheme with a view to finding a solution. However, this is not a matter for my consideration in this appeal and I have considered the appeal proposal on its own merits.
23. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR