
Appeal Decision

Site visit made on 18 January 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 02.02.2024

Appeal Ref: APP/Z0116/Z/23/3332578

Go Outdoors Ltd, Tramway Road, Brislington, Bristol BS4 3DS

- 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 Mr Matt Farmery for Go Outdoors Retail Limited against Bristol City Council.
 - The application Ref 23/02164/A, dated 31 May 2023, was refused in part by notice dated 15 September 2023.
 - The proposed advertisements subject of this appeal are: (a) an internally illuminated fascia sign, and (b) a fascia panel sign.
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Decision

1. The appeal is allowed, and consent is granted for (a) an internally illuminated fascia sign, and (b) a fascia panel sign as applied for. The consent is subject to the five standard conditions set out in Schedule 2 of the Regulations.

Preliminary and procedural matters

2. The appeal property is an out of centre shopping unit comprised within a small retail park with its associated car parking. The original application sought consent for 11 advertisements, some located within the car park and others affixed to the building.
3. The Council issued a split decision, and the two refused advertisements are the subject of the appeal. The two advertisements are being displayed.
4. Reference has been made to the *National Planning Policy Framework*. Its guidance underlines the fact that the powers under the current Regulations to control advertisements may be exercised only in the interests of amenity and public safety. Thus, the development plan policies which I consider most relevant¹ have been treated as material considerations.
5. The Council, having consulted their Transport Development Management Group, did not raise an objection on public safety grounds and I have no reason to either.

¹ In particular, the relevant provisions of Policy BCS21 of the Bristol City Council Core Strategy and Policies DM26, DM28 & DM29 of the Council's Site Allocations and Development Management Policies.

Main issue

6. The main issue is the effect of the advertisements on amenity.

Reasons

7. The Council's officers, having taken advice from colleagues in the Council's Pollution Control Department, confirm their view that neither of the advertisements would materially affect the living conditions of the residents of the closest residential properties. I share that opinion given the orientation of the nearest flats and dwellings; that they are some distance away from the site, and the intervening trees.
8. The Council's concerns in relation to the larger of the two advertisements, in summary, is that its size is excessive and ill-suited to the host property, and that consequently, taking account of its height above ground, it would appear intrusive in a highly prominent position.
9. I do not share that judgment. Rather, although the advertisement is large, it is in scale with and not disproportionate to the mass of the host property and its materials harmoniously reflect those of the building to which it is attached. Given the position of the building at the far end of the retail park it is understandable that an advertisement of this nature would be sought to distinguish the building, particularly to new customers.
10. As to the second advertisement, this is of a much smaller scale, and I saw that the text has been modified from that originally intended. The Council regard the advertisement as representing unnecessary text and clutter. The Guidance advises that advertisements should not be refused consent on the grounds that local authorities consider them unnecessary². As to clutter, this is a matter of judgment, but in my view the advertisement is modestly sized and sits acceptably in its visual context without causing clutter or any other offence.
11. I therefore conclude in respect of both advertisements that their continued display would not harm amenity.

Conditions

12. I therefore intend to allow the appeals. The Council has not proposed any conditions in addition to the standard conditions, and I do not consider that any others are necessary.

Other matters

13. All other matters raised in the representations have been considered, including the objections raised by a local resident, the thrust of which have already been dealt with. No other matter outweighs the considerations that led me to my conclusions.
14. The appeal is therefore allowed, subject to the standard conditions.

G Powys Jones

INSPECTOR

² Planning Practice Guidance paragraph 026