



Appeal Decision

Site visit made on 19 February 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2024

Appeal Ref: APP/W4325/Z/23/3332624

St Oswald's Church, Bidston Village Road, Bidston, Wirral CH43 7QT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Revd Joe Smith of St. Oswald's Church, Bidston against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is ADV/22/00521.
 - The advertisement proposed is described as a new church notice board. To be situated outside of the church on the grass banking. The board will be roughly 1800mm x 1200mm.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 December 2023, the Government published its revised National Planning Policy Framework ('the Framework'). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.

Main Issue

3. The Council do not raise any issue with the proposed advertisement in respect of public safety. Based on the evidence before me, I concur with the Council on this matter.
4. The main issue is the effect of the proposed advertisement upon amenity, with particular regard to the character and appearance of the Bidston Village Conservation Area.

Reasons

5. The appeal relates to the proposed installation of a noticeboard at St Oswald's Church which is a prominently sited, grade II listed building within the Bidston Village Conservation Area (BVCA). The BVCA is characterised as forming a historic village with pre-medieval origins, containing several historic buildings, including St Oswald's Church.
6. The noticeboard would be sited close to the boundary wall adjacent to the lychgate. It would be within the curtilage of the listed building. It would also be within the setting of the Stone Farm and Lilac Cottages which are also grade II listed buildings. The noticeboard would be rectangular in shape, made of

aluminium and mounted on aluminium poles. There is also an existing noticeboard situated behind the lychgate.

7. The Framework states that, the quality and character of places can suffer when advertisements are poorly sited and designed. It also states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Planning Practice Guidance states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood.
8. In an appeal for advertisement consent in a conservation area, the test from s72(1) of the Act¹ is that "special attention shall be paid to the desirability of "preserving or enhancing the character or appearance" of a Conservation Area". This statutory duty applies in advertisement appeals in so far as it relates to the consideration of 'amenity'.
9. However, when dealing with an appeal for an advertisement on a listed building or within its setting, the statutory duty from s66(1) of the Act requiring decision makers to "have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest" does not apply. This is because s66(1) only applies to applications for planning permission or permission in principle.
10. The setting of the listed building is, however, a relevant material consideration when considering the effect on 'amenity'. The advertisement regulations state 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.
11. Due to its size, siting, design and materials the installation would represent an inappropriate addition to this historical context as outlined above. It would be highly prominent and appear as a discordant and incongruous addition in the context of the listed building and the conservation area. When viewed in conjunction with the existing noticeboard it would also lead to visual clutter. For these reasons it would cause harm to the setting of the listed buildings and would fail to preserve or enhance the character and appearance of the BVCA.
12. The Council acknowledge that there are no heritage concerns raised to the principle of installing a new noticeboard at the church and I agree that there is likely to be an alternative installation that does not cause the harm I have identified.
13. I acknowledge that there are various items of street furniture in the surrounding area such as railings, lighting and bus stops, such items are not however subject to advertisement control and therefore have limited weight in the appeal.
14. The appellant has provided historic images to show a noticeboard in a similar position to the appeal proposal. The previous noticeboard, however, appears to be of a different design and material to the current proposal. It also significantly predates the current legislation and policies.
15. The appellant has referred to several examples where noticeboards have been installed at other listed churches including in conservation areas. In many of

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

the examples the noticeboard is of a different design and/or made from different materials. They are also in different settings. Furthermore, I do not have the full planning background in relation to these installations to give them significant weight in the appeal.

16. My attention is also specifically drawn to an installation at St Bridget's Church in West Kirkby. From the evidence before me, whilst there are some similarities, including the fact that the church is listed and within a conservation area, the setting is different and more significantly so is the design of the noticeboard. These differences therefore reduce the weight of this example in the appeal.
17. I have considered the many examples of signage and noticeboards to other churches. They do not however, lead me to conclude in favour of the appeal, which I have in any event determined on its own individual planning merits.
18. In accordance with the Regulations², I have taken into account the provisions of the development plan so far as they are material. I conclude that the advertisement has a harmful effect upon amenity and fails to preserve or enhance the character and appearance of the BVCA.
19. The installation would therefore conflict with the heritage protection aims of Policies CH01, CH1, C2 and C4 of the Wirral Unitary Development Plan (2000) and emerging Policies WD2.1, WD2.2, WP3.1 and W10 of the Wirral Local Plan Submission Draft (2022). It would also conflict with the Framework.

Other Matters

20. I acknowledge the personal circumstances that have been referred to in relation to the background to the proposed noticeboard. Whilst I have great empathy and I also recognise the important role that places of worship play in their community, these matters do not overcome the harm in terms of amenity.
21. As far as the Framework is concerned when determining advertisement consent appeals within a conservation area or in relation to a listed building the question of less than substantial or substantial harm in paragraphs 205-209 is not relevant, as the policy only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

22. For the reasons set out above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

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