



Appeal Decision

Site visit made on 17 March 2024

by Alison Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/A0665/Z/23/3332935

Wharton Hill Roundabout Connecting A5018, Wharton Park Road, Wharton Road, Winsford, Cheshire, CW7 3DH

- The appeal is made under Regulation 17 of the Town and Country Planning Act (control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wexham Homes Limited against the decision of Cheshire West and Chester Council.
 - The application Ref 23/00273/ADV, dated 29 January 2023, was refused by notice dated 28 September 2023.
 - The advertisements proposed are 2no. free-standing advertisement signs placed at entrance points to the roundabout.
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Decision

1. The appeal is allowed and express consent is granted for the display of 2no. free-standing advertisements placed at entrance points to the roundabout as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

2. The National Planning Policy Framework (Framework) has been updated since the parties' appeal submissions were made. However, as the revisions do not affect the matters under consideration in this appeal, it was not considered necessary to seek further comment.
3. The Council's reason for refusal refers to the proposal conflicting with its development plan. However, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the development plan into account insofar as it is relevant, and the National Planning Policy Framework (the Framework), they have not been decisive considerations in my determination of this appeal.

Main Issue

4. It is agreed between the parties that there is no unacceptable impact on public safety. I have no reason to disagree. The main issue is therefore the effect of the proposal on public amenity.

Reasons

5. The appeal site comprises a roundabout connecting the A5018 with Wharton Road. The roundabout features road signs and an ornamental post for hanging baskets in its centre.
6. The surrounding area is largely characterised by road infrastructure including road islands with pedestrian access, grass verges, streetlights and public bins. Woodland and open grass verges are present to the west and south of the roundabout. Travelling to the east leads to the more significant built up area along Wharton Road. Large billboards are present in the immediate vicinity of the roundabout.
7. Planning Policy Guidance at paragraph 079 acknowledges that “amenity” is not defined in legislation, but states that it includes the effect on visual amenity in the immediate neighbourhood where passers by will be aware of the advertisement. The existing character of the immediate area should therefore be assessed to determine the level of impact caused by the proposal.
8. On my site visit I observed that the area in the vicinity of the roundabout includes a public house, takeaway and Winsford United Football Club Car Park and a telecommunications tower as well as some residential properties. In my opinion it is more properly described as a mixed-use area rather than solely residential. It includes commercial signage and large billboards.
9. The small scale size and siting of the advertisements would be such that they would be subservient to the existing road signs on the roundabout and be set back. They would be slim in design and unlikely to be noticeable to passers by unless approaching the roundabout in a vehicle from the access points at which the signs would be sited.
10. I do not consider that the proposed signs on the roundabout would make any significant difference to the existing character of the area due to their small scale and siting.

Other Matters

11. I note that the Parish Council and a local District Councillor raised concerns about illumination and lack of demonstration of need for the advertisements. There is no illumination of the advertisement signs proposed. As stated above, the law requires that only public safety and amenity are considerations in applications for advertisement consent. Need is not a relevant consideration.

Conclusion

For the reasons given above, I conclude that the display of the advertisements would not be detrimental to amenity and the appeal should be allowed.

A Hartley

INSPECTOR