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# 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**

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**Appeal Ref: APP/A0665/Z/23/3333231**

**Wharton Gardens Roundabout Connecting the A5018 (Wharton Road), B5355 (Wharton Road), Collingtree Avenue and Wharton Park Road (A5018) Winsford, Cheshire, CW7 3AY**

- 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 23/00274/ADV, dated 29 January 2023, was refused by notice dated 28 September 2023.
  - The advertisement proposed is 3no. 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 3no. 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. On my site visit I noted that the 3no. signs are already in situ as applied for and feature the logo of the Cheshire West and Chester Council.
3. 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.
4. 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.
5. I also note the Council comments that it is difficult to assess the visual impact without the content being included in the application plans. However, as the consent regime does not regulate the content of advertisements, in assessing

the impact on public safety and amenity it is only the siting, size and scale of the advertisement that has to be considered.

### **Main Issue**

6. 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**

7. The appeal site comprises a roundabout connecting the A5018, B5355 and Collingtree Avenue. The roundabout features road signs and a substantial amount of foliage of differing heights in its centre.
8. 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.
9. The area is surrounded by residential properties, however the levels are such that these are set back and hedging and green verges are a predominant feature in the immediate vicinity of the roundabout. On my site visit I also observed a chinese takeaway and indian restaurant in the vicinity of the roundabout on the corner of Shaws Lane and Wharton Road, where there was a considerable amount of commercial signage.
10. 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 the presence of extensive foliage on the roundabout means that the proposed signs would not be viewed together at the same time. Having regard to the existing character of the area, which includes both residential and commercial premises, and the existing level of green landscaping and signage, overall, 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.

### **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