



Appeal Decision

Site visit made on 18 April 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2024

Appeal Ref: APP/L3815/Z/23/3334026

Land South of Halfords Unit, Barnfield Retail Park, Barnfield Drive, Chichester PO19 7AG

- 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 Wildstone Estates Limited against the decision of Chichester District Council.
 - The application Ref is CC/23/01914/ADV.
 - The advertisement proposed is the erection of 1 no. digital advertisement display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

3. The site lies within a retail park containing various large format stores with car parking. The proposal is for a digital advertisement display 'D-poster'. It would be positioned in front of the Halfords service yard boundary wall, facing a roundabout and the main route through the retail park.
4. The retail park includes various signage for the units within it, on the buildings themselves, and post mounted and totem signs. These are predominantly unlit, with no large format digital displays. The area has a commercial character, and the Planning Practice Guidance (PPG) advocates siting advertisements in industrial or commercial areas. However, the wide spacing of the retail units and the vegetation in between also provides an open and somewhat verdant character.
5. Although the Halfords unit has a significant bulk, from a southerly approach a key impression is instead of the openness and greenery across and beyond the roundabout along the line of the road. The size of the proposed advertisement would distract from this and add to the perceived bulk of the unit. It would be relatively prominent within the streetscene, contrasting with the expanse of pale walling behind, including due to its height above the service yard wall, its black plinth, and the images which would be on the screen itself. This would draw undue attention as an incongruous feature, and impact the open character.

6. The advertisement's overall prominence and incongruity would be further heightened due to its illumination and changing images. This would be particularly the case during the hours of low natural light or darkness. This is notwithstanding that the proposed illumination appears in line with the Institute of Lighting Professionals' guidance, and that conditions could restrict maximum brightness, moving content, and frequency of image change. Its night-time illumination could also be restricted to 200cd/sqm, below the general industry standard. However, I find these aspects would not sufficiently mitigate the undue attention the advertisement would create, and thus the harm that would be caused to the visual amenity of the streetscene.
7. The existing street lighting creates general illumination, and so does not pose such a contrast with the expanse of darkness of the sky as would the advertisement. Although the site is not within a Conservation Area or within the setting of any designated heritage assets, this does not indicate that harm to visual amenity would be acceptable. I note the other examples where similar advertisement displays have been permitted, but my assessment is made on the specific context of the site and proposal before me.
8. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policies 1 and 2 of the Chichester Local Plan Key Policies 2014-2029 (LP) (2015), amongst other matters, support granting permission unless material considerations indicate otherwise, or specific policies in the National Planning Policy Framework ('the Framework') (2023) indicate that development should be restricted. The Framework paragraph 135 requires developments to add to the overall quality of the area, be visually attractive, and be sympathetic to local character including the surrounding built environment and landscape setting. Given that I have concluded that the proposal would harm visual amenity, the proposal conflicts with this guidance, and thus also with the LP Policies.
9. As the proposal is not a shopfront or a shop sign advertisement, I do not find the Council's Shopfront and Advertisement Design Guidance Note (2005, revised 2010) to be of direct relevance.

Other Matters

10. The Council has not highlighted any potential harmful impact to public safety, and I make the same conclusion.
11. One of the Council's reasons for refusal relates to the site being within the zone of influence for the Singleton and Cocking Tunnels Special Area of Conservation (SAC), designated for its importance for specific bat species. The Council has taken a precautionary approach to the potential for the advertisement's illumination to have an impact on these European Protected Species, as there is an absence of bat survey information and/or mitigation. A dismissed appeal decision is cited as relevant¹. However, while the Council's precautionary aim may be commendable, that appeal was for listed building consent.
12. In comparison, the Advertisement Regulations at 3(1) state that powers under these Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. Alongside the Framework

¹ Reference APP/H1705/Y/18/3204144.

paragraph 141 and the PPG, there is no indication that impact on bats can be taken into account. Biodiversity policies in the development plan are therefore also not relevant.

13. For the same reason, I have not taken into account the appellant's suggested wider public benefits, such as an uplift in business rates, a reduction in vehicle trips, the ability to broadcast emergency messaging, and the contribution to an overall national reduction in advertisement displays. For the avoidance of doubt, I have similarly also not taken into account the Council's suggestion that the proposal would be a superfluous form of advertising due to being unrelated to the retail units.

Conclusion

14. For the reasons given above I conclude that the 1 no. digital advertisement display would be detrimental to the interests of visual amenity, and therefore the appeal is dismissed.

L N Hughes

INSPECTOR