



Appeal Decision

Site visit made on 29 April 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th May 2024

Appeal Ref: APP/M2372/H/23/3330195

Unit F, Townsmoor Retail Park, Great Bolton Street, Blackburn, Blackburn with Darwen BB2 3PX

- 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 TH UK and Ireland Ltd against the decision of Blackburn with Darwen Borough Council.
 - The application Ref is 10/23/0184, dated 2 March 2023, was refused by notice dated 23 August 2023.
 - The advertisement proposed is display of 1 no. internally illuminated "totem" sign; 1 no. internally illuminated height limiter sign; 3 no. internally illuminated information signs and 7 internally illuminated fascia signs.
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Decision

1. The appeal is allowed and express consent is granted for the display of 1 no. internally illuminated totem sign at Unit F, Townsmoor Retail Park, Great Bolton Street, Blackburn, Blackburn with Darwen, BB2 3PX in accordance with the terms of the application, Ref 10/23/0184, dated 2 March 2023. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations.

Preliminary Matters

2. Application 10/23/0184 was the subject of a split decision whereby advertisement consent for an internally illuminated height limiter sign, three internally illuminated information signs and seven internally illuminated fascia signs was approved, but refused in relation to the proposed freestanding totem sign. The description of the proposed advertisement in my decision above has therefore been taken from the Council's decision notice, rather than the application form, as this defines the part of the proposal which was refused consent.
3. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as material considerations. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') may be exercised only in the interests of amenity and public safety, taking account of any material factors. Therefore, in determining this appeal, the Council's policies, in themselves, have not been decisive.
4. A revision to the National Planning Policy Framework ('the Framework') was published in December 2023. The amendments did not have a bearing upon the issues in this appeal, and it was therefore not necessary to seek comments

from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

5. The Council's decision does not refer to public safety as a reason for refusal, and no concerns have been raised by any party in this respect. Therefore, there is no evidence before me to indicate that the appeal advertisement would have a harmful effect on public safety.

Main Issue

6. The main issue is the effect of the proposed advertisement upon the amenity of the area.

Reasons

7. The proposed sign would be located on an area of grass close to an entrance to Townsmoor Retail Park ('the Retail Park'). It would be associated with a Tim Horton's restaurant which would occupy the unit closest to this entrance. The Council has granted consent for a number of advertisements in relation to this business but they were not yet in place at the time of my visit.
8. The Retail Park occupies a location within a circulatory system of one-way roads. It has two entrances, with the appeal site located close to the eastern entrance. The immediate area is characterised by commercial development with existing retail units within the Retail Park, an ice rink located to the north-east, and further retail development to the north, east and south.
9. The area is therefore commercial in nature and there are several existing shared and standalone totem signs, along with fascia signage. Nevertheless, existing signage is spread over a relatively wide area and due to the arrangement of the road network and local topography, they are generally not all viewed together and appear as being well spaced, without a sense of saturation or clutter.
10. The proposal would increase the level of freestanding signage in the area, and in particular close to the road. However, given the context set out above, it would be experienced within a commercial area and would form part of the transitional view experienced by users of the road and pedestrians. In this context, the proposal would not appear as incongruous, nor given the nature of views along the road, would it lead to excessive visual clutter, even accounting for signage which has been approved but not yet installed. Whilst it would erode the existing landscaped area to an extent, this would be minimal due to the nature of the totem sign and would not be harmful to the overall amenity of the area.
11. The Council has indicated a preference for the incorporation of roadside signage into the existing shared totem sign at the entrance to the Retail Park. Whilst I acknowledge that such an arrangement would alleviate the need for a standalone totem sign, the appellant is not compelled to make use of this facility, and I am required to consider the proposal before me on its merits.
12. Therefore, the proposed advertisement would not harm the amenity of the area. I have taken account of Policy 43 of the Blackburn with Darwen Borough Local Plan Part 2 (2015) and Blackburn with Darwen Borough Local Plan Outdoor Advertisements and Signs Supplementary Planning Guidance, which seek to ensure that outdoor advertisements do not lead to visual clutter and do

not damage the character and appearance of streets or areas, and are material in this case. Given that I have concluded that the proposal would not harm amenity, it would not conflict with these documents. Nor would it comprise the type of poorly sited and designed advertisements that the Framework seeks to resist.

Conclusion

13. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be allowed subject to the five standard conditions.

C Harding

INSPECTOR