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# Appeal Decision

Site visit made on 30 April 2024

**by Rebecca McAndrew, BA Hons, MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> May 2024**

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**Appeal Ref: APP/D1835/Z/24/3337410**

**Advertising Rights (3437 01), Opposite Entrance to Multi Storey Car Park, Pheasant Street, Worcester, Worcestershire WR1 2DD**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mercia Outdoor Advertising Ltd against the decision of Worcester City Council.
  - The application Ref 23/00720/ADV, dated 14 August 2023, was refused by notice dated 6 December 2023.
  - The advertisement proposed is the conversion of a billboard advertising display to a D-poster advertising display.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in terms of amenity and public safety. Although the reason for refusal refers to Policy SWDP 21 of the South Worcestershire Development Plan (2016) (SWDP) this is a material consideration, rather than being decisive in the determination of this appeal.

## Main Issue

3. The main issue is the effect of the advertisement on amenity.

## Reasons

4. The illuminated sign would replace an existing stand-alone advertisement hoarding in a commercial / industrial area. The sign would stand in an open and prominent location, away from nearby buildings and on the boundary of a bus depot. Whilst the proposed advert would be the same size as the existing hoarding, an illuminated advert with changing images in this location would be significantly more intrusive than the existing arrangement. It would be a dominant and incongruous feature in the streetscene.
5. I acknowledge that there is a range of advertisements on nearby commercial premises, including illuminated signs. However, those signs are significantly different in character to the appeal proposal. They do not include changing images and are viewed in the context of the host buildings and associated businesses, rather than being stand-alone commercial advertisements. As

such, the proposed advert would be at odds with, and unacceptably harm, the character and appearance of the area.

6. The Council's reason for refusal states that the scheme fails to have regard for the proposed Shrub Hill Link scheme. I note that this scheme has recently secured planning consent. Nevertheless, I have little information before me regarding the proposals and timescales for implementation. I have therefore considered the appeal on the basis of the area as it stands and have afforded limited weight to this matter in considering the proposal.
7. I conclude that the proposed advertisement would unacceptably harm amenity.

### **Other Matters**

8. I have considered a number of matters which the appellant has submitted in support of the proposed advert. I recognise that the level of luminance would be carefully managed and could be controlled by conditions. I also acknowledge that the sign would not be located within or adjacent to any designated heritage assets. Neither of these matters overcome my concerns regarding visual impact.
9. I have had regard to the benefits of digital advertising outlined by the appellants. However, these matters do not relate to public safety or amenity and so cannot be considered.

### **Conclusion**

10. For the reasons set out above, the proposed advertisement would be harmful to amenity. Therefore, the appeal is dismissed, and advertisement consent is refused.

*Rebecca McAndrew*

INSPECTOR