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# Appeal Decision

Site visit made on 25 June 2024

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

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

**Decision date: 28 June 2024**

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**Appeal Ref: APP/M4320/Z/24/3337983**

**Moor House, The Northern Road, Crosby L23 2RA**

- 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 Mr K Stanton [Kayess Holdings Ltd] against the decision of Sefton Metropolitan Borough Council.
  - The application Ref is DC/2023/01952.
  - The advertisement proposed is the display of three non-illuminated signs.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The description in the banner heading above is taken from the Council's decision notice as it more accurately and concisely describes the advertisements proposed. The reference to an alternative scheme has been deleted as it has no relevance to the current proposal.
3. At the time of my visit, I saw that the advertisements were already being displayed at the appeal site. For clarity I have determined the appeal based on the submitted plans.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), paragraph 141 of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG), all confirm that advertisements should be subject to control only in the interests of amenity and public safety. Whilst the Council has drawn my attention to the policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.
5. Reference is made in the Conservation Officer consultation response and subsequent officer report, to the proposal causing 'less than substantial harm' to the setting of a number of listed buildings. However, paragraphs 205-209 of the Framework relate to heritage related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and are not relevant to advertisement consent appeals. I have proceeded on that basis.

## Main Issue

6. Both parties agree that the proposal would not harm public safety, such that I do not need to consider this further. Thus, the main issue of this appeal is the effect of the advertisements on amenity.

## Reasons

7. The appeal site comprises the rear elevation of a single storey range of flat-roofed garages associated with the adjacent Moor House block of flats. Set back behind an open lawned area, it is located in a prominent position close to the well-trafficked roundabout and associated junctions of Moor Lane, The Northern Road, Moorland Avenue and the A565. Immediately to the east are the Grade II listed dwellings of No 28-34 Moor Lane.
8. The significance of the listed buildings lies in their 19<sup>th</sup> century origins, domestic scale and architectural quality, evident in the fine detailing including raised sandstone dressings and hornless sash windows. They therefore have historical, aesthetic and evidential value. Their setting is formed by the residential character of the area, including predominantly 2-storey dwellings of differing ages and architectural styles, set back behind small front gardens bounded by low walls and planting.
9. The statutory duty under section 66(1) of the Act which requires decision makers to 'have regard to preserving the listed building or its setting or any features of special architectural or historic interest,' only applies to the consideration of whether to grant planning permission or permission in principle. However, I have considered the contribution the listed buildings make to the general characteristics of the area in terms of amenity. Whilst the area has undoubtedly undergone change since the listed buildings were constructed, they contribute positively to the pleasant residential character which remains.
10. Paragraph 141 of the Framework acknowledges that the quality and character of places can suffer when advertisements are poorly sited and designed. The static adverts consist of a vinyl banner or aluminium dibond attached to a thin board, such that they are not of a particularly high quality.
11. From the approaches along Moor Lane on both sides of the roundabout, as well as from the junction with Moorland Avenue, the appeal site lies within the setting of the listed buildings, particularly that of No 28 Moor Lane which is immediately adjacent to the appeal site. Deliberately designed to attract attention by their large size and bright colours, the adverts are incongruous and conspicuous additions which visually compete with the listed buildings, detracting from and failing to preserve their residential setting.
12. Furthermore, the adverts take up the majority of the wall space on which they are sited, such that they appear out of scale with the host building. Their presence is particularly striking and harmful given the general absence of advertisements locally, especially of this scale. Given the importance of the listed buildings to the general character of the area, the adverts are harmful to visual amenity.
13. The appellant advises that advertising banners have been displayed at the appeal site over the past 5 years. Even if that is the case, there is no evidence before me that they had the benefit of advertisement consent. This does not affect my findings.
14. The advertisements harm amenity and therefore conflict with Policies EQ11, NH11 and NH9 of A Local Plan for Sefton (2017). Together these policies seek to ensure advertisements respect the scale of and are sympathetic to their immediate surroundings, including the setting of heritage assets.

## **Other Matters**

15. The appellant cites the signs as an improvement to vandalism that has previously occurred at the appeal site. I observed there was no other graffiti in the surrounding area including on the garage block to the south of Moor House to indicate that it was particularly problematic in the area. Even so, there is no evidence before me that the advertisements are the only way to address the previous graffiti.
16. Although the advertisements promote 3 small to medium enterprises, none of the businesses are located at or within proximity of the appeal premises. It is likely therefore, that there are other ways of promoting these businesses without causing the harm identified.
17. Photographs of other signage at locations on Liverpool Road and Little Crosby Road do not affect my findings, as they are shown in isolation without evidence of their surrounding context or whether they have the benefit of advertisement consent. The adverts on College Road as depicted in the supplied photographs appear to have a commercial setting where other signage is prevalent, such that they are not comparable to the context before me.
18. It is a matter for the parties as to whether a suitable solution for the adverts may be available at the appeal site or an alternative location.

## **Conclusion**

19. For the above reasons, the display of the advertisements is harmful to visual amenity. The appeal is dismissed.

*M Clowes*

INSPECTOR