
Appeal Decision

Site visit made on 8 October 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Appeal Ref: APP/T2405/Z/24/3346743

Desford Crossroads Service Station, Hinckley Road, Leicester LE9 9JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Motor Fuel Group Ltd against the decision of Blaby District Council.
 - The application Ref is 24/0165/ADV.
 - The development proposed is 1 no. 5.0m high freestanding totem sign.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and the National Planning Practice Guidance (PPG) confirm that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest¹. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.
3. The appellant's statement refers to paragraphs 14, 19, 56 and 60 of the Framework but in the 2012 version. This has since been updated by a new version being issued in December 2023. However, the content of paragraphs 11, 85, 131, 133 and 135 of the new version are broadly similar to paragraphs 14, 19, 56 and 60 of the 2012 version. I am satisfied that the policy approach in that respect has therefore not fundamentally changed. As a result, I have not sought further submissions, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

4. The Council has raised no objection in relation to public safety and based on the evidence before me and my site visit, I find no reason to disagree. Therefore, the main issue is the effect of the proposal on the visual amenity of the area.

Reasons

5. The appeal site relates to a petrol filling station located in open countryside, near a busy traffic light-controlled junction where the A47 Hinckley Road meets

¹ Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

the B582 Leicester Lane. The surrounding area consists of predominantly agricultural land with some residential dwellings nearby.

6. The appeal site contains two large existing totem signs, one of which advertises the petrol filling station and displays the brands available at the site. The other totem is sited near the southwest edge of the appeal site and advertises the electric vehicle charging facilities. There are also various signs associated with the petrol filling station shop and car wash, directional signs and parking signs. The proposed totem sign, together with the two existing totem signs plus other existing signage on the petrol station forecourt, would lead to an over-proliferation of advertisements at the appeal site. As a consequence, the proposal would result in unacceptable visual clutter and cause undue harm to the street scene.
7. The proposed totem sign would be sited near the southeast edge of the forecourt, occupying a visually prominent position on the appeal site frontage. While the totem would be located within an existing petrol forecourt where there are existing advertisements and other street furniture such as lamp posts and bollards, the surrounding area is distinctly rural in character. The backdrop of the proposed totem when viewed from within and across the appeal site, is largely one of open fields bordered by hedgerows and expansive sky. As such, the proposed totem sign would harm the rural characteristics of the locality.
8. For the above reasons, I conclude that the proposal would unacceptably harm the visual amenity of the area. While not decisive, the proposal would conflict with Policies CS2 and CS18 of the Blaby District Local Plan (Core Strategy) Development Plan Document (February 2013) and Policies DM2 and DM16 of the Blaby District Local Plan (Delivery) Development Plan Document (February 2019) insofar as they require development to respect distinctive local character, resist development which would adversely effect the character or appearance of the countryside and require advertisements to be sensitively located and not contribute to over-proliferation or clutter. The proposal would also be contrary to the Framework.

Other Matters

9. The appellant has drawn upon the Framework in defence of the proposal, namely the support for economic growth and sustainable development. However, these matters have limited bearing on my decision given that the Regulations require that I exercise my powers only with regard to amenity and public safety. The appellant has also referred to the proposal being in accordance with the design policies in the Framework. However, paragraph 141 of the Framework requires advertisements to be well sited and designed, taking into account cumulative impacts and I have found that the proposal does not.

Conclusion

10. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR