



Appeal Decision

Site visit made on 9 July 2024 by N Manley BA (hons) MSc

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2024

Appeal Ref: APP/Q3115/Z/24/3337980

Yeats Lodge, Greyhound Lane, Thame OX9 3LY

- 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 Churchill Retirement Living Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is P23/S3032/A.
 - The advertisement proposed is described as "5 x flag poles, 1 x monolith, 2 x micro monolith, 4 x hanging signs; and various other signage."
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appeal advertisements were in place at the time of my site visit and accord with the drawings before me. I have therefore considered the appeal on that basis.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those 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. In this instance, no objection has been raised by the council or other interested party in relation to public safety. Having regard to the presented evidence and my observations on site, I have no reason to reach an alternative view and consider that the advertisements do not cause harm to public safety.
5. The appeal site is situated in the Thame Conservation Area (CA). In an appeal for advertisement consent in a conservation area, the test from s72(1) of the Act¹ is that "special attention shall be paid to the desirability of "preserving or enhancing the character or appearance" of a Conservation Area". This statutory duty applies in advertisement appeals insofar as it relates to the consideration of 'amenity'.

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

Main Issue

6. The main issue is the effect of the advertisements on the amenity of the area.

Reasons for the Recommendation

7. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework (2023) (the Framework) sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
8. As noted in the Thame Conservation Area Appraisal (CA) (adopted by the Council in 2006) and based on my observations on site, the CA is characterised by a combination of important open spaces and a townscape comprising long terraces of two to three-storey brick and timber framed buildings, mostly displaying distinctive and original designs. These structures are arranged along a mix of narrow and wide streets, reflecting the town's largely unchanged medieval street layout. Insofar as it relates to this appeal, I consider the special interest of the CA to be defined by its collection of uniquely designed buildings, the historical layout of streets and open spaces.
9. The appeal site is located southeast of the nearby roundabout. Greyhound Lane itself is primarily utilised as access to the adjacent supermarket. Visible to the north is Aylesbury Road which curves around the cricket pitch on its western side, a key open space emphasised in the CA. Also visible to the east of Aylesbury Road is a mix of more modern housing, made up of predominantly single-story bungalows.
10. The site itself features recently constructed retirement apartments. The advertisements in question are situated either within the small, landscaped area surrounding the retirement apartments or on the brick wall with railings that encloses the site. Nearby to the south is the prominent brick façade of a large supermarket, and its associated supermarket signage. Additionally, to the immediate west of Greyhound Lane and opposite the site is a standalone advertisement displaying the nearby supermarket's name. Overall, the immediate area around the site and Greyhound Lane has a somewhat commercial feel. Given the special interest of the CA and the characteristics of the appeal site, I consider its overall contribution to the character and appearance of the CA to be neutral.
11. The advertisements vary in both size and placement, with the largest prominently positioned to face the roundabout, while others are distributed at various locations around the retirement apartments. Despite this variety, all the advertisements are clearly visible from the highway, making them a noticeable feature of the retirement apartments' current appearance.
12. The tall monolith signs are excessive in height and partially obscure the apartments from the highway, appearing out of scale and disproportionate compared to similar advertisements in the vicinity and the scale and mass of the apartments themselves. Furthermore, the sheer number of advertisements, combined with their varying forms and sizes across the site, creates a sense of visual clutter that detracts from the overall positive visual amenity of the locality.

13. Nevertheless, they do not obstruct views of the cricket pitch and the open space to the northwest of the site, which are significant features of this part of the CA. However, the size of some advertisements, combined with the overall proliferation around the site, collectively harms the amenity of the area. This adversely affects the character and appearance of the CA.
14. Given the above, I conclude the advertisements are harmful to the area's amenity and fail to preserve the character and appearance of the CA. I have taken into account policies DES1, DES2, ENV6 and ENV8 of the South Oxfordshire Local Plan 2035 (adopted 2020). Amongst other things, these policies seek to ensure advertisements secure a public realm which is aesthetically pleasing, requires them to take into account the local character and context of an area, should conserve or enhance the significance of heritage assets and respect the local character and distinctiveness of conservation areas.

Other Matters

15. As far as the Framework is concerned when determining advertisement consent appeals within a conservation area the question of less than substantial or substantial harm in paragraphs 205-209 is not relevant, as the policy only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990.
16. The appellant has referred to perceived benefits of the advertisements. These are primarily commercial benefits and are of limited weight. Furthermore, advertisements should be subject to control only in the interests of amenity and public safety.
17. I appreciate that Council officers recommended approval of the application to the planning committee. However, it was within the committee's gift to make a decision on the application contrary to the officer recommendation, thus this consideration has had no bearing on my recommendation.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR