



Appeal Decision

Site visit made on 10 December 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 December 2024

Appeal Ref: APP/R0660/H/24/3341218

The Orange Tree, West Road, Congleton CW12 4EY

- 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 Parogon Group against the decision of Cheshire East Council.
- The application reference is 23/2173C.
- The advertisement proposed is illuminated and non-illuminated signs to the exterior of the building:
 - Sign A – Two x new sets of stainless steel built-up face illuminated letters, warm white illumination;
 - Sign B – One x new aluminium totem sign with fret-cut warm white internally illuminated Perspex;
 - Sign C1 – One x new aluminium double sided post sign, fret cut warm white internally illuminated Perspex;
 - Sign C2 – One x new aluminium single-sided sign to existing posts, reflective vinyl detail;
 - Sign D – One x new internally-illuminated A3 menu case;
 - (Sign E – omitted)
 - Sign F – Seven x new warm white up/down lights;
 - Sign G – Two x new lamp posts
 - Sign H – Twin LED floodlights on post to car park to match existing;
 - Sign I – Remove existing painted letters from brickwork;
 - (Sign J – omitted); and
 - Sign K – One x new internally-illuminated amenity board.

Decision

1. The appeal is allowed and express consent is granted for the display of illuminated and non-illuminated signs to the exterior of the building [Sign A – Two x new sets of stainless steel built-up face illuminated letters, warm white illumination; Sign B – One x new aluminium totem sign with fret-cut warm white internally illuminated Perspex; Sign C1 – One x new aluminium double sided post sign, fret cut warm white internally illuminated Perspex; Sign C2 – One x new aluminium single-sided sign to existing posts, reflective vinyl detail; Sign D – One x new internally-illuminated A3 menu case; (Sign E – omitted); Sign F – Seven x new warm white up/down lights; Sign G – Two x new lamp posts; Sign H – Twin LED floodlights on post to car park to match existing; Sign I – Remove existing painted letters from brickwork; (Sign J – omitted); and Sign K – One x new internally-illuminated amenity board] at The Orange Tree, West Road, Congleton CW12 4EY in accordance with the terms of the application, reference 23/2173C, dated 8 June 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. The appeal relates to a public house, the name of which was given on the application form as The Cheshire Tavern. By the time of the appeal, its name had been changed to The Orange Tree; I have used this in the banner heading and my formal decision above.
3. The Council issued a split decision, allowing most of the proposed signage but refusing consent for "Sign B". In determining this appeal, the whole proposal is before me, as section 79(1)(b) of the Town and Country Planning Act 1990 allows that, on appeal under section 78, the Secretary of State may deal with the application as if it had been made to them in the first instance. Nevertheless, the Council found no harm in respect of the other signage, and as there is no evidence before me to indicate that I should take a different view here I have confined my consideration in this appeal to the disputed Sign B. The signage, including Sign B, had been installed by the time of my site visit.
4. On 12 December 2024 the Government published a revised National Planning Policy Framework ("the Framework"), replacing the December 2023 version. The provisions most relevant for determining this appeal were not altered significantly, and as a result I consider that there is no requirement for me to seek further submissions on the revised Framework. I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the December 2024 version.

Main Issue

5. The main issue is the effect of the advertisement on the visual amenity of the area.

Reasons

6. The Orange Tree, formerly the Cheshire Tavern, is a public house in a late 18th Century Georgian building a short distance north-west of Congleton town centre. It sits next to a roundabout on the A34, a busy road which carries traffic around the edge of the town centre. The disputed advertisement is a freestanding totem which has been erected at the front of the site close to the roundabout. It is around 4m high and 1.5m wide; it is mostly of aluminium in a dark grey finish, though it has internally-illuminated white lettering and, towards the top, an illuminated orange circular logo.
7. Approaching the site on foot from the town centre along West Street, the totem sign was visible from some distance back, certainly from at least as far as Astbury Street, east of Congleton Fire Station. However, its predominantly muted grey finish meant that it was largely assimilated into the backdrop of trees and buildings. On what was a cloudy and rather dull day, the illuminated orange logo did stand out against this background in distant views, but while this gave it a degree of prominence in the streetscene it did not, to my mind, make it an intrusive element. In closer views from alongside the roundabout the totem stood out rather more against the backdrop, and consequently the illuminated logo became a relatively less prominent part of the whole installation.

8. Premises on West Road (the A34 west of the Orange Tree), West Street (connecting the site and the town centre), and the town centre bypass (the A34 north-east of the appeal site) display advertisements in a variety of forms, sizes and styles. Not all of the other advertisements to which my attention was drawn are in the immediate vicinity of the appeal site, but it is nevertheless in an area where a degree of commercial signage would normally be expected. While the disputed advertisement can of course be seen in the streetscape, rather than being “somewhat gaudy” (as the Council put it) I consider that it is not so large or bright that it is incongruous, or otherwise so intrusive that it causes harm to the visual amenity of the area.
9. I conclude that the advertisement does not have a harmful effect on amenity. In accordance with the Regulations I have taken into account the provisions of the development plan so far as they are material, although they have not by themselves been decisive. The advertisement complies with Policies SD2 and SE1 of the 2017 Cheshire East Local Plan Strategy, and Policies GEN 1 and GEN3 of the 2022 Cheshire East Site Allocations and Development Policies Document which together, and among other things, seek to ensure that all development is well-designed, and that advertisements are not out of keeping with their surroundings or otherwise detrimental to the visual amenity of the area. I also find that the advertisement complies with the requirements of Paragraph 141 of the National Planning Policy Framework, which seeks to prevent poorly-sited or designed advertisements which would have a negative impact on the visual character and quality of places.

Conditions

10. I have imposed the five standard conditions set out in the regulations. The Council did not suggest any additional conditions, and in my view none are necessary.

Conclusion

11. For the reasons given above I conclude that the display of the disputed advertisement is not harmful to amenity. The appeal is therefore allowed.

M Cryan

Inspector