



Appeal Decision

Site visit made on 10 February 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/D0840/Z/24/3357074

The Fitzroy, Cliff Road, Falmouth, Cornwall, TR11 4FR

- 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 Jack Shields (Lifestory Group Ltd/Pegasus Homes Ltd) against the decision of Cornwall Council.
 - The application Ref is PA24/06332.
 - The advertisement proposed is for 2no. 3mm aluminium composite panels with laminated print face installed on garden wall.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

1. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement appeals, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 does allow the provisions of the development plan to be taken into account if they are material. The Council refer to policy 24 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP) and policy DG7 of the Falmouth Neighbourhood Development Plan 2021 – 2030 (FNDP). Both policies relate to heritage assets and amongst other requirements seek to permit applications and development where they would protect, conserve and where appropriate, enhance the significance of designated assets.
2. Paragraph 141 of the National Planning Policy Framework (December 2024) (NPPF) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council have not raised any objection to the proposed signs on public safety grounds. In relation to amenity, paragraph 079 of the Planning Practice Guidance (PPG) chapter on advertisements (updated July 2019) states that this usually means the effect on visual and aural amenity.
3. The alleged heritage implications arise from the location of the appeal site within the Falmouth Conservation Area (FCA). Although the appeal sites lies opposite the Falmouth Hotel, a Grade II Listed Building, the Council do not allege that the proposed signage would harm its setting. I concur with that finding. In relation to the FCA section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. A

similar approach is set out in policy 24 of the CLP, policy DG7 of the FNDP and the NPPF.

4. The statutory duty under section 72(1) applies in advertisement appeals in so far as it relates to the consideration of 'amenity'. In such cases, the question of less than substantial harm or substantial harm, set out in paragraphs 212 – 215 (inclusive) of the NPPF, is not relevant, as the policy only applies to heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990. I have determined the appeal on the above basis.

Main Issue

5. The main issue is the effect of the proposed signage on amenity with particular regard to the appeal site's location within the Conservation Area.

Reasons

6. The appeal site comprises a recently completed development of new homes for those over 55 years on the corner of Cliff Road with Pendennis Road. The new development is set back from Cliff Road with the area at the front comprising a well landscaped garden and sitting out area, enclosed by a granite wall. The latter extends along both road frontages, with gaps for access gates and parking.
7. The adverts comprise two signs which are attached to the granite wall, one on Cliff Road and one on Pendennis Road. Both signs are already in place and express consent is sought retrospectively for their retention. The signs are located close to the junction of the roads and as such its possible on part of Cliffe Road to view both signs at the same time. The signs are non-illuminated and comprise aluminium composite panels coloured white with black lettering and a logo, measuring some 3.05 metres wide by some 0.75 metres high. The sides of both signs are clad in the same white aluminium. As the granite wall leans back towards its top, the sides of the signs are wider at this point (protruding 230mm from the face of the wall).
8. The size and siting of the proposed signs detracts, in my view, from the visual amenity of the area and also detracts from the high quality of the development that has taken place on the appeal site. Both signs are visually prominent and I agree with the Council that they interrupt the positive contribution that the granite wall makes to this part of the streetscene. In addition, the proposed signs do not have regard to the character and form of the host building and appear out of place on the frontage to this new development.
9. I also agree with the Council that the proposed signs are not consistent with existing forms of signage, particularly along Cliff Road, which are essentially set back further into their plots and/or at a higher level, and are not attached to the granite walls that also characterise their frontages. Compared to the appeal proposal, existing signage on Cliff Road appears much more discreet and also more appropriate, given that the signage largely relates to existing hotels.
10. Based on the evidence before me and my observations on site, I find that the retention of the proposed signs results, therefore, in an adverse effect on the visual amenity of the surrounding area.
11. The Falmouth Conservation Area Appraisal - Supplementary Planning Guidance (October 1998) confirms that the appeal site lies within the Seafront Character Area of the extended FCA. Paragraph 7.7.6 states that it is the importance of the

seafront itself to the character of Falmouth, the quality and interest of the buildings and the quality of the gardens that “*make the whole of Cliff Road worthy of inclusion into an extended Conservation Area.*” Prior to that, the paragraph states that whilst a number of older buildings have been lost, the standard of new build design along the seafront is unusually high. The new development on the appeal site is, in my view, a further example of this high standard.

12. Paragraph 079 of the PPG states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood, including important scenic, architectural and historic features and whether the signage is in keeping or in scale with those features. Within this context and for the above reasons, I agree with the Council and consider that the proposed signs result in harm in that they do not conserve or enhance the character or appearance of the FCA, as a whole.
13. The Appellant argues that the signs are required to market the remaining unsold houses and points to the slowdown in the market and the accepted benefits that over 55 housing secures. However, my decision must turn on the actual visual impact of the advertisements, which for the reasons outlined above I consider creates harm in this particular location.
14. The Appellant refers to an express consent for four freestanding post mounted signs within the garden of the appeal site. I understand these were installed and then removed, and the Appellant contends they could be reinstated without further consent. Whilst I accept this is a consideration, these signs do not form part of the appeal proposal before me. There is nothing in the evidence to suggest or which provides a mechanism, where, if I were minded to approve the proposed signs, this express consent would be relinquished or revoked. If the Appellant is correct, there would be nothing to prevent those pole signs being reinstated in conjunction with the proposed signs.
15. Even so, my reading of the Council’s Delegated Report (CDR) for the post mounted signs is that Officers regarded them as a more traditional type of marketing signage and where their siting, in the front garden, was also felt to be appropriate. As to the Appellants point about inconsistencies, the ‘Appraisal and key issues’ section of the CDR makes no mention of the FCA and does not go on to assess the effect of that signage on the character or appearance of the Conservation Area. For all the above reasons, this express consent does not affect the findings I have reached.
16. Accordingly, I find that the retention of the proposed signs would result in an adverse effect on the visual amenity of the surrounding area and would also harm the FCA, as a whole. It follows, that the appeal proposal would conflict with policy 24 of the CLP and policy DG7 of the FNDP, which are material to this case. The appeal proposal would also conflict with the corresponding policies of the NPPF and PPG.

Conclusion

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

G Roberts

INSPECTOR