
Appeal Decision

Site visit made on 11 February 2025

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/P1560/Z/24/3353114

Colchester Road, Weeley, Essex, CO16 9AD

- 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 Wildstone Estates Limited against the decision of Tendring District Council.
 - The application Ref is 24/00995/ADV.
 - The advertisement proposed is the erection of a D6 small format Advertising Display.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was lodged a revised National Planning Policy Framework (the Framework), and further revisions, have been published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal, and that proceeding without seeking further comments from the parties would not be prejudicial to their cases.

Main Issues

3. The main issues are the effect of the proposal on (1) amenity and (2) public safety.

Reasons

Amenity

4. The proposed display would be sited near the entrance to a building complex with a petrol filling station/retail unit, food takeaway outlet, a hotel, and pub/restaurant, all set within an open landscape. The complex is accessed off a busy roundabout on the A133. In addition to the petrol station (PFS) canopy, there is a totem sign on a grassed area in front of the station forecourt. Alongside this, there are taller signs advertising the takeaway unit and electric charging facilities. Between the road and the forecourt, there are freestanding horizontal banner signs, and two other features closer to the entrance advertising products on sale. A separate pole sign displays parking information. On the opposite side of the access there are freestanding business signs, and signs beyond identifying the restaurant and hotel.
5. The Council's delegated report states that this section of the PFS site currently has a small number of signs which do not benefit from advert consent, whereas the

appellant advises that much of which is installed is pursuant to advertisement consent 95/00768/ADV. There is limited evidence in this appeal to indicate the status of the existing signage on site, but there is no suggestion that any existing are to be removed. The application form confirms that the proposed sign is not a replacement, and as such it is assumed that the existing freestanding signs in the area of the proposed siting will remain.

6. Cumulatively, the existing array of signage gives the forecourt a somewhat cluttered appearance, although the most prominent adverts are grouped together on the greensward, contained within a distinct part of the site. In this regard, I do not share the appellant's view that grouping of adverts causes visual clutter and confusion. In contrast, the introduction of the proposed illuminated display in a different part of the frontage, separate from but in the same vista as this prominent group, would add to the proliferation of signage. The Framework makes clear that the cumulative impacts of advertisements may be taken into account. As a further addition, the size, scale and illumination of the display would appear as an unacceptably intrusive feature at the entrance to the complex. It may not be out of scale when seen against the PFS canopy, but this would not address the clutter within the foreground of that building.
7. I acknowledge that the proposal would not affect any heritage assets or residential properties, but these are not the only considerations in assessing visual impact on amenity.
8. There would be environmental, social and economic benefits to digital signage, including flexibility, management and maintenance efficiencies and waste reduction. However, the Framework confirms that the quality and character of places can suffer when advertisements are poorly sited and designed. Whilst the site is part of a commercial setting, it is set within an otherwise open rural landscape and would be a prominent feature at the entrance. The adverse impact on amenity as a result of the siting and size of the proposal would outweigh the identified benefits of the digital display.
9. I therefore conclude that the proposal would be detrimental to the amenity of the area. I have taken into account Policy SP7 of Section 1 of the Tendring Local Plan¹ (LP) and SPL3 of Section 2² of the LP, which are material insofar as they require new development to make a positive contribution to the quality of the local environment, and to respect local character. As I have concluded that the proposal would harm amenity, it would conflict with these policies and paragraph 141 of the Framework.

Public Safety

10. The proposed sign would be sited at the entrance to the PFS complex. The site is reasonably isolated from residential property, and given the functions of the complex it is likely that the majority of visitors would arrive by car. Although there is a footpath from Weeley village, in view of the distance and the traffic using the adjacent road, I consider that the likelihood of people walking to use the facilities at the PFS complex would be relatively modest. Indeed, the presence of cycle path

¹ Tendring District Local Plan 2013-2033 and Beyond Section 1; North Essex Authorities' Shared Strategic Section 1 Plan, adopted 2021

² Tendring District Local Plan 2013-2033 and Beyond Section 2, adopted 2022

signs either side of the entrance into the PFS suggests this may be the primary use of the path.

11. The footway from Weeley village leads to the entrance to the PFS but does not continue into the site. Although the end of the path is currently blocked by signage, were it not in place, pedestrians would either have to step into the access road or cross a slightly raised grass bank to walk towards the PFS. Under either scenario, there is the potential for conflict between vehicles and pedestrians as they cross the station forecourt to access the shop or other buildings in the group.
12. In its consultation response on the application, the highway authority did not raise an objection on safety grounds, but in a note, advised the applicant to reconsider the sign's placement to enhance pedestrian safety within the site. I can appreciate the reason for this advice, but consider that the proposed siting would have a neutral effect on pedestrian safety at the site. This is on the basis that the existing arrangements do not encourage pedestrian access, but equally, the proposed siting of the sign would not block the use of the footway; the sloped grass bank at the end of the footway does not encourage pedestrians to continue ahead on that route.
13. I agree with the appellants' view that the siting and illumination of the signage would not introduce hazards to other road users.
14. I therefore conclude that the proposed sign would not harm public safety. I have taken into account the Framework, and had regard to the requirement in Policy CP1 of Section 2 of the LP, for new development to encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport. However, for the reasons outlined above I find no conflict with this policy, or the Framework.

Conclusion

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

H Lock

INSPECTOR