
Appeal Decision

Site visit made on 10 December 2024 by M Long BA (Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/E3335/Z/24/3352424

6 The Avenue, Minehead, Somerset TA24 5UQ

- 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 P Criddle against the decision of Somerset Council.
 - The application Ref is 3/21/24/034.
 - The advertisement proposed is a LED sign.
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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 advertisement was erected prior to the application being made and was in situ at the time of the appeal site visit. As such this appeal has been considered on the basis that advertisement consent is being sought retrospectively.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised only 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. Therefore, while the development plan policies referred to on the Council's decision notice cannot by themselves be decisive, they have been taken into account as a material consideration as part of this decision.

Background and Main Issue

5. The Council has concluded that the advertisement would be acceptable in terms of public safety and, from the evidence before me, I have no reason to disagree. Therefore, the main issue is the effect of the proposal on the amenity of the area.

Reasons for the Recommendation

6. The Planning Practice Guidance (PPG) 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. Factors relevant to amenity

- include the presence of any feature of historic or architectural interest and the local characteristics of the neighbourhood should always be considered.
7. The appeal shopfront sits within a row of other businesses accommodated within relatively modern buildings in the commercial town centre. In the surrounding area, shopfronts are typically characterised by static fascia signs of various colours and, while some are illuminated, digital illuminated advertisements are not prevalent.
 8. The site is outside, but very close to, the boundary of the Wellington Square Conservation Area (the CA). It forms part of the vista from within the nearby parts of the CA. It is also readily appreciable from within the setting of nearby listed buildings including '2, The Avenue, 1, Summerland', a grade II* listed rubblestone building dating from the 15th Century; as well as 'Minehead Hospital' and 'Avenue Methodist Church and Attached Sunday School to North East' which are prominent grade II listed buildings dating from the 19th century. The architectural splendour and historic interest of these listed buildings are reflective of the high-quality architecture that characterises the CA.
 9. Due to its digital design, illumination in a variety of bright colours and the frequent changing and movement of words and animated images, the advertisement is a garish and overly prominent addition to the street scene. It is at odds with the static and comparatively subdued fascia signs of the surrounding businesses. For these reasons, the LED sign is detrimental to the visual amenity of the area. While the size of the sign is proportionate to the scale of the shopfront, is smaller than some nearby fascia signs and is affixed to a modern building, this does not assimilate the incongruous digital design into its immediate surroundings.
 10. Moreover, by virtue of its harm to the amenity of the wider street scene, the scheme also unacceptably detracts from the setting of the CA's high-quality built environment including the settings of the aforementioned listed buildings.
 11. Even if the digital screen is switched off when the business is closed, this does not mitigate the harm that arises to the visual amenity of the area during the hours it is operational.
 12. I conclude that the advertisement results in harm to the amenity of the area. As such, the advertisement is contrary to Saved Policy BD/7 (Advertisements) of the West Somerset District Local Plan (2006) which permits advertisements unless they detract from the street scene by reason of design, materials, colour or illumination. It is also contrary to the requirements of Policies NH1 (Historic Environment) and NH2 (Management of Heritage Assets) of the West Somerset Local Plan to 2032 (2016) which together support proposals where the historic environment is sustained and/or enhanced in line with its interest and significance. All of the above policies seek to protect amenity and so are material in this case. There would be additional conflict with the National Planning Policy Framework which sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matter

13. The appellant contends that the digital sign is a modern approach to advertising that assists in the promotion of the business. Whilst this may be

the case, there is nothing to suggest that effective advertising could not be provided through an advertisement of a design that is more sympathetic to the amenity of the area in this instance.

Conclusion and Recommendation

14. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell

INSPECTOR