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## Appeal Decision

Site visit made on 10 April 2025

**By SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

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**Appeal Ref: APP/B1550/Z/24/3356501**

**Bus Shelter, Advertising Right 2501 00111, Outside Websters Way Car Park, Websters Way, Rayleigh, Essex SS6 8JQ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Clear Channel UK against the decision of Rochford District Council.
  - The application Ref is 24/00456/ADV.
  - The development proposed is single digital advertising display facing the inside of the Bus Shelter with a non-advertising, non-illuminated panel on the reverse side (for Council or Community content) to replace existing Double-sided Internally Illuminated 6-sheet Bus Shelter advertising displays. Single digital display to portray static advertising images that change every 10 seconds.
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### Decision

1. The appeal is allowed, and express consent is granted for installation of single digital advertising display facing the inside of the Bus Shelter with a non-advertising, non-illuminated panel on the reverse side (for Council or Community content) to replace existing Double-sided Internally Illuminated 6-sheet Bus Shelter advertising displays. Single digital display to portray static advertising images that change every 10 seconds at Bus Shelter, Advertising Right 2501 00111, Outside Websters Way Car Park, Websters Way, Rayleigh, Essex SS6 8JQ in accordance with the terms of the application ref: 24/00456/ADV. 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.

### Procedural Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.
3. At the time of my site visit I noticed that the existing advertisement described in the description of development had been removed. For the avoidance of doubt, I confirm that my determination of the appeal is based on the drawings submitted with the original application.

### Main Issue

4. The main issue is the effect of the proposed development on the amenity of the area, including whether it would preserve or enhance the character, appearance and significance of the Rayleigh Conservation Area (CA).

## Reasons

5. The appeal site is located within Rayleigh Town Centre and also located in the Raleigh CA. The terms of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
6. The Rayleigh Conservation Area Appraisal and Management Plan ('CAAMP') (2007) sets out that the character of the CA is primarily associated with the town's legible original framework and structure, as well as the presence of a number of well-preserved historic buildings generally focussed around the High Street. The CA thereby has both architectural and historic interest which contribute to its significance.
7. The appeal site relates to the bus shelter on the eastern side of Websters Way, a relatively busy road, adjacent to the Websters Way public car park, described in the CAAMP as 'negative townscape'. I, therefore, consider that it makes little contribution to the significance of the CA. This open car park has a brick boundary wall bounding Websters Way, with a section set back around the bus shelter. A number of existing trees are positioned on the car park side of the wall. On the opposite side of the road are the backs of commercial properties located off the High Street and associated parking and servicing areas.
8. Paragraph 141, of the Framework, is clear that the quality and character of places can suffer when advertisements are poorly sited and designed. The Council's delegated report does not appear to make reference to the CAAMP in the context of their assessment of the proposals upon the CA. I, therefore, necessarily go on to make my own assessment taking account of the CAAMP evidence.
9. When viewed from the south looking along Websters Way, identified in the CAAMP as a 'negative view', the proposed single sided illuminated digital display would solidify one end of the bus shelter and the proposal would, to some extent, be prominent. However, I do not find that the proposal would result in an unsightly feature that would be incompatible within the street scene given the busy, urban context and backdrop of an open car park.
10. When seen in the north-looking view along Websters Way the proposal would have more limited visibility and be largely unobtrusive, due to the set-back footway position and the existing tree screening. This, when taken with its non-advertising, non-illuminated display, would ensure it would not be a visually obtrusive addition.
11. Furthermore, by being located within a bus shelter, the proposal and its digital form with static changing images, would not appear incongruous and would be read as an expected part of the street furniture within an urban location and not infringe upon any identified local view of merit or impact upon the setting or significance of any heritage asset.
12. Overall, whilst the proposal is located within the CA, I do not find that the proposal would be inappropriate or obtrusive in the context. I find that the proposal would be sensitively located and preserves the character and appearance of the area and results in a neutral impact to the special interest of the CA and thereby preserves it.
13. I therefore find that the proposal would not detract from amenity as it would preserve the character, appearance and significance of the CA. As such, the

proposal would not conflict with Policies DM37 and DM38 of the Rochford District Council Local Development Framework Development Management Plan (2014), which amongst other things, seek advertisements in Conservation Areas to be sensitive to the character of the area and visually unobtrusive.

### **Conditions**

14. The Council's questionnaire confirms that they consider no additional condition to be required in addition to the five standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 in the event that express consent as applied for is granted. Based on the evidence before me and my previous findings, I have no reason to take a different view.

### **Conclusion**

15. For the reasons given above, I conclude that the display of the proposed advertisement would not be detrimental to the interests of amenity. The appeal should, therefore, be allowed and express consent granted subject to five standard conditions set out in the Regulations.

*SJ Desai*  
INSPECTOR