



Appeal Decision

Site visit made on 8 May 2025

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/C3105/Z/25/3360398

Bloxham Service Station, South Newington Road, Bloxham, Oxfordshire, OX15 4QF

- 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 Cherwell District Council.
 - The application Ref is 24/02814/ADV.
 - The advertisement proposed is 1 No. D6 internally illuminated (digital advertisement) screen.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposal upon the visual amenity, character and appearance of the area.

Reasons

3. The appeal site is situated in close proximity to the edge of the village with the site being one of the last on the edge of the village before meeting the open countryside. The site is outside of, but abuts, the Bloxham Conservation Area (CA) and is also noted to be opposite Killowen House which is a Grade II Listed building (and thus a designated heritage asset). The appeal site is an established commercial premises (a petrol station) and, at the time of my site visit, I noted that the petrol court frontage, and shop (retail) building itself, is characterised by existing signage however, none of the existing signage is internally illuminated (with the exception of the main petrol forecourt board demonstrating fuel pricing).
4. The proposal before me seeks express consent for an internally illuminated sign which would be situated on the outside of the petrol filling station (on the side of what is labelled, on the plans as the retail unit) with rotating (static) advertisements. Whilst I acknowledge, as outlined above, that the appeal site is one which is commercial in nature I find that it is still located on the edge of the village which results in the setting of the appeal site being one which is still semi-rural in character due to its close proximity to the village edge as outlined. Any proposals and views into the appeal site, including of the proposal, would in the context the semi-rural, edge of village, setting where no other internally illuminate signage is currently present.
5. The proposal before me would result in an additional style of sign which would be internally illuminated and display rotating advertisements. Based upon the evidence before me, and my site visit, I find that the proposed digital advertisement

screen would not be well suited to the edge of the rural village within which the appeal site stands. The proposal would be out of keeping with the site, and whilst the appeal site itself is commercial, I find that the modern style of illuminated sign would detract from the character of the site which is visually associated with being on the edge of a rural village rather than a more urban location within which such signage would generally be more acceptable or potentially prevalent. It should be kept in mind that character, and appearance, are separate matters and in this case, I find that the proposal would be alien, and thus uncharacteristic, compared to the existing advertisement styles within or around the appeal site.

6. I acknowledge that the proposal would be positioned within the site boundary on the retail/shop building wall within the wholly commercial entity of the petrol forecourt, however, by its very nature (changing advertisements, internally illuminated) this would, in terms of lighting and rotation, attract attention and result in visual impact beyond the boundary of the appeal site itself given that, by their very nature, advertisements are generally sought to be located in prominent locations to attract attention for those advertising businesses. The site is in a location where advertising would typically be found, however, as I have outlined the presence of existing advertisements (non-internally illuminated), whilst bright and eye catching, are visually appropriate as a result of a lack of movement and illumination.
7. In addition, I find that the siting of an internally illuminated screen, with advertisements changing on a regular basis, would visually detract and impact on the setting of the Grade II Listed building opposite the appeal site as they would exist in shared views. The harm to the setting of the Listed building I find to be less than substantial harm and, in accordance with paragraph 215 of the National Planning Policy Framework 2024 (the Framework) where a proposal would lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I have no evidence before me to suggest that there are public benefits arising from the proposal which would outweigh the great weight which should be given to the less than substantial harm identified to the significance of a designated heritage asset. There would be some limited benefits, for the petrol forecourt premises/appeal site itself as an existing business, however, I do not consider these to be public benefits.
8. Overall, I find that the proposal would result in an uncharacteristic and alien feature which, albeit located within a commercial premises, is located within an edge of village and close to open countryside setting and that the proposal would negatively and unacceptably impact the visual amenity of the locality. I note that it is stated that the existing paper advertisement is dated and detracts from the modernisation of the site, however, modernisation of the site needs to be balanced with careful consideration as to the setting of the site on the edge of the village and opposite a designated heritage asset as outlined.
9. I acknowledge that modern digital advertisements can include controls over the level of luminescence and the proposed speed and rate of change between advertisements and that any proposal would, and could, be appropriately controlled within the guidelines provided by the Institute of Lighting Professionals, however, whilst such controls are acknowledged I do not find that this would overcome the level of harm, and inappropriateness, that I have identified as outlined above.

10. The proposal is acknowledged to be for static advertisements sequencing every 10 to 15 seconds and whilst the proposal is of a standard design for small format advertisements found across the UK, it still remains to ensure that their siting is appropriate. The setting of the listed building is partly defined by the presence of the existing petrol forecourt, and existing lighting already present but, as outlined, I find that the proposal would result in less than substantial harm to the designated heritage asset opposite the appeal site.
11. The proposal would be contrary to the Cherwell Local Plan Part 1 2015 policy ESD15 which requires that development of all scales should be designed to improve the quality and appearance of an area, contribute positively to an areas character and identity and conserve, sustain and enhance designated and non-designated heritage assets including buildings and their settings and ensure new development is sensitively sited and integrated.
12. The proposal would also be contrary to Cherwell Local Plan 1996 saved policy C28 which seeks to ensure that external appearance is sympathetic to the character of the rural context of that development and paragraph 141 of the Framework which outlines that the quality and character of places can suffer when advertisements are poorly sited and designed. As already outlined, I have no evidence before me to suggest that there are public benefits that would from the proposal which would outweigh the great weight which should be given to the less than substantial harm identified to the significance of a designated heritage asset.

Other Matters

13. I note that the appellant has provided a list examples that are stated to demonstrate where advertisements of this nature exist in what the appellant considers are similar areas (as an appendix of comparable sites to their statement of case). The vast majority of examples provided by the appellant are not accompanied by any details other than a reference number and site address. This means, therefore, that I do not have any information as to the site context to be able to draw any weight from the examples provided in the context of this appeal and each case should be considered on its own merits.
14. The appellant provides a CGI of application reference P24/1194 which is stated to be a Woodsetton Service Station, Sedgley Road, Dudley, however, from the image provided I do not find that the site shares immediate site characteristics which are similar – the site appears to be in a significantly more urban location than the appeal site that is before me. I also acknowledge the CGI from application 2024/0177/ADV which is stated to be within “Environmental Zone 2: Rural”. This proposal may be within a more rural setting but, again, the imagery and information provided by the appellant is limited including that of the imagery of the site context. The appellant raises that the case officer, from Somerset Council, focussed on the immediate neighbourhood.
15. In considering the immediate site context/neighbourhood of the appeal site that is before me and in considering the appeal site on this basis I still find that the proposal would be out of keeping with the general character and appearance of the immediate locality. A proposal cannot be considered solely in relation to the character and appearance of the petrol forecourt or within the appeal site itself – the proposal would be visible in views beyond the appeal site boundary and how

proposals visually integrate with the immediate site setting is therefore a valid consideration in relation to amenity.

16. I note objections to the proposal, and I have dealt with matters relating to character and appearance within the main body of this decision letter. Comment is made with regard to breach of planning conditions and those of a Community Protection Order, however, these are not within the scope of this appeal.

Conclusion

17. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR