



Appeal Decision

Site visit made on 15 April 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/Y3940/Z/25/3359957

Land at West End Club, Audley Road, Chippenham, SN14 0EP

- 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 Alight Media against the decision of Wiltshire Council.
 - The application Ref is PL/2024/11015.
 - The development proposed is a new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the National Planning Policy Framework (the Framework) and the national Planning Practice Guidance (PPG) confirm that advertisements should be subject to control only in the interests of amenity and public safety.
3. The PPG¹ confirms that amenity includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
4. Taking the above into account, the main issues are as follows:
 - the effects of the proposal on the visual amenity of the area, including its siting within the Chippenham Conservation Area; and
 - the effects of the proposal on public safety.

Reasons

Amenity

5. The appeal site is a car park next to a fitness gym on the corner of Marshfield Road and Audley Road, within the town centre boundary of Chippenham. Marshfield Road is a principal thoroughfare into Chippenham and the environment within the locality of the appeal site is mostly residential. As such, there is a noticeable absence of street signage, except for essential highway signage and that affixed to the gym premises itself.
6. The appeal site lies within the Chippenham Conservation Area (CCA). Therefore, in accordance with the statutory duties set out in section 72(1) of the Planning (Listed

¹ Paragraph: 079 Reference ID: 18b-079-20140306

Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CCA.

7. In so far as is relevant to the appeal, the CCA is characterised by its architectural uniformity including a listed terrace built in 1858 and its detached and semi-detached villas dating from between 1886 and 1900, contrasting with the distinctive black and white frontage of West End Club, which is a focal point.
8. The proposed digital advertisement display, measuring 6 metres (m) by 3m and elevated 1.2m from the ground, would be positioned in front of the north-west facing gable wall of 72 Marshfield Road, a two and a half storey building with a white rendered lean to. The Council consider the building to be of good townscape merit. Its north-west gable wall is certainly an attractive feature in the street scene, with red brick quoin strips and traditional random rubble stonework. I also noticed that the elevation is prominent from quite a long distance when traveling along Marshfield Road from the northwest, and Audley Road from the southwest either within a vehicle or on foot. For these reasons, the façade contributes positively to the significance of the CCA in terms of its architecture and its prominent location.
9. The proposed digital advertisement display would be positioned below the existing window in the side elevation of the property. The large size of the advertisement would dominate the elevation, concealing most of its traditional stonework, and would be a visually intrusive feature in the street scene. Furthermore, in contrast with the other commercial sign associated with the gym premises, which is less visible due to its orientation than the appeal sign would be, the proposal would be more modern in its form and technology. Consequently, its presence would be jarring given the absence of comparable installations. As a result, the proposal would be out of keeping with the character and appearance of the area. Furthermore, due to its prominent position enabling long views of it when approaching from the west along Marshfield Road and Audley Road, it would be detrimental to the character and appearance of the CCA.
10. For the above reasons, the proposed advertisement would harm the visual amenity of the area, including its siting within the Chippenham Conservation Area. I have taken into account policies CP57 and CP58 of the Wiltshire Core Strategy and TC4 of the Chippenham Neighbourhood Plan 2023-2038 which amongst other things, seek to protect amenity, and so are material in this case. Given that I have concluded that the proposed advertisement would harm visual amenity, it would conflict with these policies.
11. For the same reason, the proposal would also be contrary to the provisions of paragraph 141 of the Framework which states, amongst other things, that the quality and character of places can suffer when advertisements are poorly sited.

Public Safety

12. The digital advertisement display would be adjacent to a mini roundabout which is paired with a subsequent pedestrian island crossing point on Marshfield Road.
13. The digital advertising display would display sequential static advertisements, capable of changing every 10 seconds, with an instantaneous change between them, which would be illuminated in accordance with industry guidelines.

14. The PPG² states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts and pedestrian crossings.
15. Despite the forward visibility afforded to road traffic approaching the display from the west and that it would be slowing down due to the roundabout, the combination of the mini roundabout and pedestrian island crossing means that road users require a high level of concentration in this area. This includes drivers and more vulnerable pedestrians and cyclists. The addition of the proposed advertising display, regardless of the rate which images would changeover, would therefore be a distraction in this context which would increase the risk of accidents to the detriment of the safe operation of the highway. I do not consider that the argument that the advertisement would be a familiar urban feature would diminish this risk. The fact that existing traffic signs would not be obscured is a neutral consideration. Consequently, the proposed digital advertisement display would have a harmful effect on public safety, contrary to the provisions of the Framework and guidance within the PPG, which seek to control advertisements in the interests of public safety.

Other Matters

16. Planning conditions could be used to control the frequency of imagery and the illuminance of the display in accordance with best practice guidance, "The Brightness of Illuminated Advertisements PLG05 2015". Conditions could also be imposed to prevent repetitive images and those that resemble official road signs, and to ensure the smooth transition between sequential images and that the display turns off in the event of malfunction. The appellant has additionally proposed that the display is switched off between 10pm and 7am. However, taking account of the context of the proposal, these measures would not be sufficient to avoid harm to public safety and visual amenity.
17. With regards to the examples of consented advertisements in Chippenham provided by the appellant in support of the proposal, both the hoarding at Rowden Hill Bath Road and consented digital display at Wilton Road have a different site context to the appeal proposal. Neither appear to be in the CCA or close to a pedestrian crossing. Furthermore, Wilton Road is an area where various forms of commercial signage is already present.
18. Whilst reference is made to consented digital displays in other conservation areas, I have no specific details except for Graylaw House in Stockport. This location is quite different to the appeal proposal in that the advertisement is within a central shopping area of the town, as opposed to the predominately residential area in this case.
19. In respect of the consented display at a roundabout in Llanelli, the proposal involved the replacement of sixteen individual advertisement boards with a single advertisement display, therefore it was deemed to be less distracting to drivers than the high number of advertisements it replaced. As such, this case is not comparable to the circumstances of this appeal proposal. Consequently, none of these cases have led me to alter my overall decision.

² Paragraph: 067 Reference ID: 18b-067-20140306

20. The appellant has indicated that the sign could be used to display emergency public notices, however, this does not materially affect my consideration of the merits of the appeal proposal.
21. Finally, I also note the appellant's comments in respect of outdoor advertising and commercial signage being essential to commercial vitality and that the Framework supports sustainable development and new technologies. However, as the only factors that a decision maker can take into account when determining an advertisement application or appeal are amenity and public safety, this does not materially affect my consideration of the appeal proposal.

Conclusion

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

SE Hughes

INSPECTOR