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## Appeal Decision

Site visit made on 1 July 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>TH</sup> July 2025

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**Appeal Ref: APP/T3725/Z/25/3362190**

**47 Parade, Leamington Spa CV32 4BL**

- 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 Bewiched Ltd against the decision of Warwick District Council.
  - The application Ref is W/24/1682.
  - The advertisement proposed is described as: internally illuminated built up letters.
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### Decision

1. The appeal is allowed, and express consent is granted for the display of internally illuminated built up letters (illumination to create halo effect only) as applied for. 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.

### Preliminary Matters

2. As is apparent from the submitted plan<sup>1</sup> and the advertisement descriptions given on the Council's decision letter and the appeal form, the intended illumination is for the purposes of creating a halo effect only. In the interests of clarity and consistency, I have added, for the purposes of my Decision above, bracketed text following the description of the proposed advertisement that is given on the application form.
3. The application form indicates that the proposed advertisement would not replace an existing sign. However, I observed on my site visit that signage for the same operator was in place in the same position, but of different specification to that proposed before me. For the avoidance of doubt, I shall determine the appeal based on the proposed signage.
4. The Council has drawn my attention to policies it considers to be relevant to this appeal. I have taken these into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (December 2024) (the Framework) and the Planning Practice Guidance confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal. I have also had regard to the Framework which seeks to prevent the negative impacts of poor advertisements.

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<sup>1</sup> Ref: Y:\Jobs\Bewiched\leamington spa 2\leamington spa planning drawing 2, R00

5. As the site is in the Leamington Spa Conservation Area (the CA), I shall have regard to the statutory duty set out under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires special attention to be paid to the desirability of preserving or enhancing the relevant conservation area's character or appearance.
6. The appeal property comprises part of a Grade II Listed Building (LB). Whilst this is a relevant material consideration in the context of my amenity deliberations, the statutory duty set out at Section 66(1) of the Act does not apply in the absence of an application for planning permission. As a further point of clarity, I shall proceed on the basis that advertisement consent and listed building consent fall under the remit of separate regulatory regimes.

### **Main Issue**

7. The main issue is the effect of the proposed advertisement on amenity.

### **Reasons**

8. The appeal site relates to an existing retail unit located at the entrance to the Royal Priors shopping centre within the busy commercial area of Leamington Spa. The site sits within the CA and forms part of a wider terrace of the Regency era known as 33-47 Parade (the LB), which, as confirmed above, comprises a Grade II listed building.
9. The character and appearance of the CA is defined by its rich history, formal street pattern, and wide range of high-value historic buildings. The LB comprises a prominent linear terrace within the CA. Its heritage significance is drawn, in-part, from its age, materials and architectural detailing as well as from the homogeneity of its principal frontage, which collectively reflect the LB's 19<sup>th</sup>-century origin.
10. The proposed advertisement relates to a fascia sign comprising individual letters in two differing fonts in both lower and upper case forming the words 'Bewicked COFFEE' with a star, rather than a dot, above the letter 'i'. The letters would be black, of the same height and would be individually internally illuminated. As observed on my site visit, the signage on the other retail units forming part of the LB primarily comprise black individual lettering, are illuminated and are generally of a consistent size. However, within the terrace, several units have wording that is located on more than one line and has more than one size lettering or features a different colour to the more consistent black.
11. The Council's supplementary planning document (SPD) for Shopfronts and Advertisements in Leamington Spa seeks to maintain the Regency character of the Parade. This requires advertisements to focus on achieving a uniform simplicity of proportion, appropriate materials, and design. The guidance identifies that advertisements should be restricted to the name of the business with all forms of logos being prevented at fascia level to maintain uniformity.
12. As the proposed advertisement would suitably reflect the proportions, materials, form of illumination, location on the fascia and colour for the individual letters as the adjacent signage, the proposal would not be out of keeping with the established street scene. The contrasting fonts and cases and small star logo,

whilst not replicated elsewhere within the terrace, would continue to reflect the simplistic approach to signage that the Council's guidance seeks.

13. The proposed advertisement would not be out of keeping or incongruous with its surroundings nor would it result in a cluttered appearance. As such, the advertisement would preserve the character and appearance of the CA, maintain the Regency character of the LB and wider streetscene, and result in no harm to the amenity of the area.
14. I have considered Policies BE1, BE3, HE1 and HE2 of the Warwick District Local Plan 2011-2029 (September 2017), with respect to matters of amenity. These require, amongst other things, for proposals to contribute, integrate and reinforce local distinctiveness and conserve heritage assets and their settings. I have also had regard to the requirements of the SPD, which are material in this case, along with paragraph 141 of the Framework, which seeks advertisements to be well designed and sited. Given that I have concluded that the proposal would not harm amenity, it does not conflict with these policies or guidance.

### **Other Matters**

15. The Council has raised the issue that the proposal could set an undesirable precedent. However, any proposal must be considered upon its own individual merits having regard to the specific site and case circumstances to hand. It thus follows that there is no clear reason to consider that any possible future advertisement proposal elsewhere, would necessarily be looked upon favourably by the relevant decision-maker, as a consequence of this decision. Further, for the sake of completeness and for the avoidance of doubt, I am content that the proposal would not prejudice public safety.

### **Conditions**

16. The Council have requested an approved plans condition. However, this is not necessary or relevant as the decision grants express consent for the display of an advertisement, rather than planning permission that could be subject to future minor material amendment.

### **Conclusion**

17. For the reasons given above, the appeal should be allowed in the terms set out above.

*P Brennan*

INSPECTOR