



Appeal Decision

Site visit made on 26 September 2025

by **J L Cheesley DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 October 2025

Appeal Ref: APP/A1530/Z/25/3369220

193 Magdalen Street, Colchester, Essex CO1 2JX

- 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 Colchester City Council.
 - The application Ref is 250617.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:
 - the effect of the proposal on the character and appearance of the surrounding area;
 - the effect of the proposal on highway safety; and
 - the effect of the proposal on the setting of Grade II listed buildings and a locally listed building.

Reasons

Character and Appearance

3. The existing advert is on the side of a commercial building within the urban environment. Other non-illuminated smaller adverts are also on this building, and other adverts of a similar size are situated in the surrounding streetscene. There is a significant number of existing traffic paraphernalia and signage in the surrounding street scene. The urban area is characterised by a mix of commercial and residential properties, and the appeal site is adjacent to a Magistrates Court on a busy urban road.
4. The proposed upgrade of the existing advert would enable the display of six advertising campaigns at a time, sequencing every ten seconds. From my observations this would be demonstrably harmful to the character and appearance of the surrounding area due to its scale and illumination, given its prominent location. It would be an unacceptably visually dominating feature within the street scene with the constantly changing screens. In addition, for the same reasons, I consider that it would unacceptably add to the existing substantial clutter of signage

and traffic paraphernalia to a demonstrable detrimental effect on the character and appearance of the street scene over and above the existing advert.

5. In conclusion on this matter, I consider that the proposal would have an adverse effect on the character and appearance of the surrounding area.

Highway Safety

6. Magdalen Street in the vicinity of the appeal site is a 30mph urban road. The advert would be visible to drivers exiting the nearby roundabout. From my observations, due to the relatively straight carriageway alignment, drivers on Magdalen Street would have good visibility and sight line towards the proposed advert from around 100m to the west, although it would be partially obscured by the nearby Magistrates Court.
7. The proposed advert would be visible to drivers waiting at the nearby traffic lights. Both the traffic signals and the advert could be processed in the same view by the approaching driver due to the relatively straight carriageway alignment.
8. For the above reasons, I do not consider that the proposal would unacceptably distract drivers and thus would not have an adverse effect on highway safety.

Heritage Assets

9. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
10. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
11. Nearby Nos 14 and 17 Magdalen Street are grade II listed buildings, with 18 Magdalen Street being locally listed. The listed buildings are designated heritage assets. The locally listed building is a non-designated heritage asset. The setting for all these properties is the surrounding urban environment, which includes the appeal property. Their significance is their traditional design features.
12. Whilst the proposed advert would not be visible from No 18 Magdalen Street, it would be visible from the other two properties. I have found above that the proposal would have an adverse effect on the character and appearance of the surrounding area. For the same reasons as stated above with regard to its scale and illumination and prominent location, I consider that due to the adverse impact on the surrounding urban environment, the proposal would be to the detriment of the character and setting of these nearby heritage assets. As regards the listed buildings, this would be less than substantial harm as set out in the Framework.
13. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework states that this harm should be weighed against the public benefits of the proposal.
14. I note the environmental benefits of reducing the number of vehicle trips to repost adverts and reducing waste from the production process. Due to the overall scale of such operations, this would be of limited public benefit.

15. I understand that social benefits would include use for non-commercial purposes and emergency messaging. This may provide some public benefit, but of a limited scale.
16. The proposed upgrade is likely to increase the business rates, which would have limited economic benefit. This would provide some public benefit, but of a limited scale.
17. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the setting of nearby listed buildings, which I do not consider, for the reasons stated above, are outweighed by any public benefits.
18. The Framework advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application and a balanced judgement is required. Having had regard to the scale of harm and the significance of the non-designated listed building at No 18 Magdalen Street, for the reasons stated above, on balance I consider the setting of this building would be adversely affected by the proposal.

Conclusion

19. In reaching my conclusion, I have had regard to all matters raised. I have found that the proposal would not have an adverse effect on highway safety. Nevertheless, I have found that the proposal would have an adverse effect on the character and appearance of the surrounding area and the character and setting of listed and locally listed buildings. The harm I have identified is so significant that it has led me to dismiss the appeal.
20. The Regulations require that decisions be made only in the interests of amenity and public safety. Therefore, the Council's policies alone cannot be decisive. I have taken into account Policy SP7 in the Colchester Borough Local Plan 2017-2033 Section 1 (2021), and Policies DM15 and DM16 in the Local Plan Colchester Borough 2017-2033 Section 2 (2022), particularly where they seek to ensure development positively responds to its context, provides safe places and conserves or enhances the historic environment.
21. Given that I have concluded that the proposal would have an adverse effect on the character and appearance of the surrounding area and the character and setting of listed and locally listed buildings, the proposal would conflict with the above Policies on these matters. These policies are broadly in accordance with the Framework on these matters.

J L Cheesley

INSPECTOR