
Appeal Decision

Site visit made on 11 December 2014

by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 January 2015

Appeal Ref: APP/H0738/H/14/2224378

Former Campbells Tyre Depot, 5 High Street, Yarm, Cleveland, TS15 9BW

- 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 Maher Projects Limited against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 14/1227/ADV, dated 11 May 2014, was refused by notice dated 3 July 2014.
 - The advertisement proposed is a free standing sign.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit the advertisement was in place on the appeal site, and in this respect I note that the Council has referred to the proposal as a "*retrospective application for 1No. free standing sign*" on the Decision Notice.

Main Issue

3. The main issue is whether the free standing sign preserves or enhances the character or appearance of the Yarm Conservation Area.

Reasons

4. The appeal site is within the Yarm Conservation Area where section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. A strict control over the display of outdoor advertisements should therefore be maintained.
5. The free standing sign stands towards the front of the Former Campbells Tyre Depot facing the High Street. The appeal site was at the time of my visit an open and cleared site. The sign advertises the '*Mount Leven Retirement Village*' development, which is an approved residential scheme sited in excess of 2 km from the appeal site.
6. In reaching my decision, I have taken into account that the sign is not illuminated and does not use garish colours or reflective materials. However the sign occupies a prominent location on an area of open land at the southern end of the main High Street adjoining the junction with Bentley Wynd, and does not relate well to the character and appearance of existing development

within the vicinity. As a result of its excessive size and prominent position, the sign appears as an incongruous and visually intrusive feature within the street scene. Whilst I have had regard to the appellant's contention that the sign would not be harmful in the context of the existing condition and appearance of the appeal site, I do not consider this to be a reasonable justification to allow a form of advertisement which has an adverse effect on the character and appearance of the conservation area.

7. The Council has referred to the saved Stockton on Tees Local Plan 1997 (the Local Plan), as well as the Stockton on Tees Shop Front Design and Advertisements Supplementary Planning Document 2012 (the SPD). Whilst not decisive, I have had regard to saved Policy EN24 of the Local Plan, and the references to free standing signs and advertisement hoardings in the SPD, as material considerations. I have noted that the impact of the advertisement would be harmful in this sensitive location, and that it would fail to preserve or enhance the character or appearance of the conservation area. Furthermore, I have had regard to the National Planning Policy Framework (NPPF), which seeks to prevent the negative impact of poor advertisements.

Other Matters

8. The appellant has highlighted the importance that they place upon the signs as a means of raising awareness of the residential development which they advertise, and also the rationale for the location in order to achieve maximum exposure and visibility for passing traffic. In this respect, I have had regard to the highlighted extract from the Council's Supplementary Planning Document regarding the display of advertisements in sensitive locations "*for a temporary period in order to advertise key regeneration projects or housing developments*". However, the Framework provides no specific guidance on dealing with applications for a temporary display of advertisements. I have therefore assessed the proposals in the same manner as for a more permanent advertisement. In any event, I note that the appellant has stated the intention for the sign to be displayed until 6 May 2019, and on this basis I would consider the impact would have a far greater degree of permanence over such an extended period. I have not therefore attached any significant weight to this matter in support of the advertisement.
9. I have noted that the Council's Highways Planning team has raised concern over the level of information displayed by the sign, and the potential implications on highway safety for passing motorists. This concern has also been expressed by interested parties. I note that the Council has not articulated this matter as a reason for refusal, concluding in its delegated report that a revised sign could be submitted to address highway matters. Whilst I do have some concern over the potential for distraction of road users due to the level of information displayed, I am mindful that I am dismissing the appeal for another reason, and therefore this matter has not been central to my decision-making.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

M Seaton

INSPECTOR