

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **20 JULY 2016**

**REPORT BY:** **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

**SUBJECT:** **APPEAL BY MR P DAVIES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR DISPLAY OF 3 PLASTIC ADVERTISEMENTS AT PARK VIEW GARAGE, LLOC**

**1.00 APPLICATION NUMBER**

1.01 054386

**2.00 APPLICANT**

2.01 MR. P. DAVIES

**3.00 SITE**

3.01 PARK VIEW GARAGE, LLOC, HOLYWELL

**4.00 APPLICATION VALID DATE**

4.01 29.09.15

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of a decision in respect of an appeal following the refusal of advertisement consent under delegated officer procedure. The appeal was determined by means of hearing, the appeal was ALLOWED.

**6.00 REPORT**

6.01 Main Issue

The Inspector considered the main issue in this appeal to be the effect of the proposed development/signage on the amenity of the surrounding area.

- 6.02 The Inspector noted that the site is roughly a rectangular plot to the front of Park View garage, and adjacent to the access which serves the garage. The site is at the edge of a small area of commercial development, including a café, caravan sales and garage at the junction of access to the A55. The holiday lodge upon which the advertisements were proposed to be placed upon was in situ at this location to advertise the availability for purchase of such accommodation for Pennant Park.
- 6.03 The Inspector noted that whilst the site was within a designated Area of Special Control for advertisements, originally approved in 1960 and amended in 1974, the Local Planning Authority should consider this status ever 5 years in regard to as to whether it should be revoked or modified, the Inspector noted that she had no evidence that such reviews have been carried out. In addition the area around the appeal site had changed greatly since the Order was made, the A55 has been widened and the junction has become the focus for service type development, such as the café, McDonalds. It was the Inspector's view that these changes together with the absence of evidence regarding a review since the Order was amended limit the weight that can afforded to the Area of Special Control designation.
- 6.04 The Inspector noted that the lodge is located against other commercial sites as well as open countryside , and considered that the lodge had a pleasant appearance, being of a style frequently encountered in rural holiday locations and thus not significantly out of keeping.
- 6.05 The signs affixed to the lodge confirmed its advertising function and were not considered to be overly large or numerous. It was noted that there were additional signs in place regarding the holiday lodges, which were not covered by this appeal and other signs in the area being unauthorised. In any event the Inspector considered that the signs did not make the area significantly more cluttered and were not detrimental to the overall appearance of the site or the surrounding area.
- 6.06 During the consideration of the appeal the Inspector considered the use of the site in the past and what it could be used for in the future for the parking of vehicles as well as the permission granted for the overnight lorry park, with its associated amenity block and despite landscaping would have a much greater visual impact than the advertisements.
- 6.07 The Inspector notes that TAN7 states that outdoor advertisements can only be controlled in the interests of amenity and public safety, anyone proposing to display an advert needs it in that particular location, there is minor exception to this presumption and this is in an Area of Special Advert Control, where applicants need to show a reasonable

requirement for an advert, however the Inspector considered that the Area of Special Advert Control has limited weight in this appeal and as the lodge drew availability of the lodge to purchase, a brown tourist sign would not be appropriate in this case.

## **7.00 CONCLUSION**

7.01 In conclusion the Inspector considered that the advertisements would not be detrimental in the interests of amenity. Having regard to all other matters raised, The Inspector allowed the appeal.

## **8.0 Costs Application**

The appellant made a costs application on the grounds that the Local Planning Authority had failed to show good reason why the application should be refused.

8.1 The Local Planning Authority refuted this in that it had not acted unreasonably, but had determined the application to be contrary to the provisions of the Unitary Development Plan.

8.2 The Inspector considered that sufficient evidence has been provided to substantiate reasons for refusal and therefore found that unreasonable behaviour resulting in unnecessary expense, as described in Circular 23/93 has not been demonstrated and DISMISSED the award of costs.

## **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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