

## PLANNING APPEAL DECISION

**Lead Officer:** Tony Pomfret – Development Control Manager

**To inform Members of a recent advertisement appeal decision in respect of a site at Sproats Newsagents, Ennerdale Road, Cleator Moor, Cumbria**

**Recommendation:** That the decision be noted in the context of the Council's Local Plan Policies and also in relation to performance monitoring.

**Resource Implications:** Nil

### 1.0 SUPPORTING INFORMATION

1.1 Retrospective advertisement consent for the siting of an internally illuminated free standing double sided display unit adjacent to Sproats Newsagents along Ennerdale Road, Cleator Moor was refused on 2 April 2009 for the following reason:-

“By virtue of its scale, siting and design the signage as erected is an obtrusive and dominant feature within the street scene and constitutes unnecessary additional commercialism at variance with Policy ENV 40 of the adopted Copeland Local Plan 2001-2016 and Planning Policy Guidance Note 19 “Outdoor Advertisement Control”.

1.2 A subsequent appeal against the decision has been DISMISSED. The Inspector concluded that the sign as erected has an incongruous appearance that is detrimental to the character of the local street scene. Enforcement action is underway to secure the removal of the unauthorised display unit. A copy of the Inspector's decision letter is appended to this report.

**Contact Officer:** Rachel Carrol– Planning Officer

**Background Papers:** A copy of the Inspector's decision letter is appended.



# Appeal Decision

Site visit made on 26 October 2009

by **Richard McCoy** BSc, MSc, DipTP,  
MRTPI, IHBC

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

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Decision date:  
2 December 2009

**Appeal Ref: APP/Z0923/H/09/2105214**

**Sproats Newsagents, Ennerdale Road, Cleater Moor, Cumbria, CA25 5LL**

- 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 Primesight Ltd against the decision of Copeland Borough Council.
- The application Ref 4/09/2064/0, dated 26 February 2009, was refused by notice dated 2 April 2009.
- The advertisement is an internally illuminated free standing double sided display unit.

## Decision

1. I dismiss the appeal.

## Main issue

2. I consider the main issue to be the effect of the appeal sign on the character and appearance of the area.

## Reasons

3. The Council have referred to Policy ENV 40 of the Copeland Local Plan 2001-2016, adopted June 2006 in connection with this appeal and also state that there is no commercial need for the sign. The Regulations require that decisions are made only in the interests of amenity, and where applicable, public safety. Public safety is not raised in this instance. Therefore, it is the issue of visual amenity alone that must be decisive although I have taken the development plan policy into account as a material consideration.
4. The appeal sign was being displayed at the time of my inspection on the forecourt of "Sproats", a shop which fronts onto a busy road. Adjacent to the appeal site are a hot food take away and a tool sales and hire centre but the general area within which the appeal site is located is predominantly residential in character. A long housing terrace stands opposite, while to the east is a block of flats known as Fellside.
5. Sproats, in common with the adjacent commercial premises, is a single storey building. At around 2.5 metres high and 1.3 metres wide, the display unit is of a large scale in relation to these shops. It stands well to the front of the shop close to the roadside. As such it is a conspicuous addition to an otherwise open forecourt area and is seen against the background of the dwellings within Fellside Flats when approaching the appeal site from the west.
6. The sign is illuminated and despite visiting during daylight hours it strikes me that at night the sign would be all the more conspicuous. Consequently, I

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consider it to have an incongruous appearance that is detrimental to the character of the local street-scene.

7. For the reasons given above and having regard to all the other matters raised, I conclude that the advertisement is harmful to amenity and I dismiss the appeal.

*Richard McCoy*

Inspector