



Appeal Decision

Site visit made on 4 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/B3438/Z/24/3350423

McDonalds Restaurant, Churnet Way, Leek ST13 8YG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the 2007 Regulations) against a refusal to grant express consent.
 - The appeal is made by McDonald's Restaurants Ltd against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2024/0207.
 - The advertisement proposed is a freestanding banner sign.
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Decision

1. The appeal is allowed, and express consent is granted for the display of a freestanding banner sign at McDonalds Restaurant, Churnet Way, Leek ST13 8YG in accordance with the terms of the application, Ref SMD/2024/0207. 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. The application form describes development as "installation of a freestanding banner sign" whereas the appeal form includes reference to the advertisement being double sided and includes materials and details of use. The appellant has subsequently confirmed that the banner sign would be single-sided. I have adjusted the description to that as seen in the banner heading above, which I am satisfied adequately describes the proposal and aligns with the Council's description.
3. 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 2007 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 (the Framework) and the Planning Practice Guidance (the PPG) 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.

Main Issue

4. The Council's reason for refusal relates specifically to matters of amenity. There was no objection raised on the grounds of public safety and based on the evidence before me and my site visit, I find no reason to take a different view on that matter.

Accordingly, the main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

5. The appeal site relates to a McDonalds restaurant and drive-thru located in a retail and industrial park (park). The park is located just off the A523 Churnet Way on the outskirts of Leek. Alongside McDonalds, the park comprises a supermarket and separate petrol filling station, a pub restaurant, and other commercial units. Brindley's Mill and Abbey Green Road Footbridge, which are both Grade II listed, are within the vicinity of the site. The McDonalds building is single storey with fascia signage, accompanying drive-thru signage within the site, and a totem advertisement adjacent to the roundabout access. Other local business premises have advertisements attached to and around their respective buildings, some including large totem signs. As such, the surrounding area is commercial in nature.
6. The proposed advertisement would be displayed in front of and sit above the existing low boundary fence adjacent to the footway on the access road into the restaurant car park. The existing fence is around 1.1m rising to around 2.4m in height. Located at natural ground level, the banner sign would have a base height of 0.9m and a total height of 2.06m. It would be 4.82m wide, non-illuminated and would display banners providing information on promotions within the store for customers. Existing temporary banner signage, located around the site, would be replaced by the proposed display.
7. The advertisement would be positioned as the access road bends towards the restaurant car park, thereby making it less prominent to the wider site. It would be visible from within the site's car park and when entering the restaurant access road. Longer views of the sign would be possible from the commercial units on the opposite side of the wider park access road and from some areas within the supermarket car park. However, from such views, the advertisement would be framed by the existing boundary treatment and buildings beyond within its background. The signage would principally only be visible from within the park. There would be limited rear visibility from Abbey Green Road, but, once again, it would be viewed within the wider commercial setting and other advertisements. It would not be visible from the A523.
8. The statutory duty, in relation to the setting of the listed buildings identified above, does not apply in relation to advertisements. Although, they are located within the vicinity of the appeal site, the Abbey Green Road footbridge is not visible from the appeal site due to existing development, landscape screening and topography. Brindley's Mill is visible due to its industrial scale and form. However, its location on the A523 bears no relationship to the appeal site and the wider park. As such, neither listed building forms part of the amenity of the site.
9. Whilst the signage is of a larger scale compared to the other advertisements on the appeal site, this does not in itself provide reason for the proposal to cause harm to the amenity of the area. The area is commercial in nature lending support for large scale signage which garners support from the PPG¹. This acknowledges that large advertisements can be acceptable in industrial or commercial areas of major cities where there are large buildings and main highways. As such, it would not be excessive in scale within the wider park. Its scale would not be out of

¹ Paragraph 079 Reference ID: 18b-079-20140306

keeping with its surroundings and would have a neutral impact on the character and context of its immediate area.

10. The number of signs within the site, alongside that now proposed, would not, in combination, be disproportionate to the main use of the appeal site. The drive thru signage is proportional as is the building signage. As such, each advertisement is viewed on its own, with the McDonalds totem sign at the appeal site entrance, being the first to be seen after entering the park. The non-illuminated advertisement proposed would not significantly draw the eye in a manner that would accentuate its visual prominence.
11. Given the location of the sign and its visibility from within and outside the site, the signage would not create visual clutter that would be harmful to the amenity of the immediate neighbourhood.
12. I therefore conclude that the proposal would result in no harm to the amenity of the area. I have taken into account Policy DC1 of the Staffordshire Moorlands Local Plan 2020 and Section 6 of the Staffordshire Moorlands Design Guide SPD. These require, amongst other things, for proposals to contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area. As such, these 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.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed in the terms set out above.

P Brennan

INSPECTOR