

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE
MONDAY 7 AUGUST 2017

ENTRANCE TO CHARLBURY STATION

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Kim Smith, Tel: (01993) 861676)

(The decisions on this matter will be resolutions)

1. PURPOSE

To enable Members to consider whether it is expedient to proceed to prosecution or take Discontinuance action in respect of an ACPOA (operator of the station car park) sign displayed on the station access.

2. RECOMMENDATIONS

Members resolve to take no further action in respect of the breach of planning control.

3. BACKGROUND

- 3.1. In October 2015 your Officers received a complaint alleging that an APCOA sign was being displayed at the entrance to Charlbury station without express advertisement consent. The complainant expressed the opinion that the sign was harmful to the Conservation Area.
- 3.2. Following investigation the complainant was advised by letter dated 7 January 2016 that in the opinion of the Council the sign benefits from deemed consent under Schedule 3, Class I of the Town and Country (Control of Advertisements) (England) Regulations 2007.
- 3.3. On 20 February 2017 the complainant made a formal complaint that the Council had not taken action against the sign. In response the Head of Planning and Strategic Housing wrote to the complainant advising that in his opinion the sign did not need express consent and further that given the nature of the sign and its relatively minor impact on amenity that he did not consider that the Council would take formal discontinuance action even if he were incorrect in his view that it does not require express consent.
- 3.4. The complainant has subsequently taken Counsels advice on whether or not the sign benefits from deemed consent which concludes that in his view it does not and in the absence of express consent the sign is unlawful.
- 3.5. Notwithstanding the issue of whether or not the sign requires express consent, in order to consider whether or not it is expedient to take either discontinuance for a sign displayed with deemed consent or prosecute for an unlawful sign, the impact of the sign on the character and appearance of the Conservation Area and landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty needs to be considered.
- 3.6. S.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a Conservation Area

special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 3.7. This statutory duty is enshrined in adopted Local Plan policy BE5 and emerging Local Plan policy EH7.
- 3.8. In considering the planning merits of the impact of the sign regard needs to be given to the statutory duty, relevant policies of the adopted West Oxfordshire Local Plan, the Emerging West Oxfordshire Local Plan and relevant paragraphs of the NPPF in respect of conserving and enhancing the natural and historic environment.
- 3.9. The sign the subject of this report is a rectangular pole mounted sign mainly turquoise and white in colour welcoming users to Charlbury Station car park and displaying the terms and conditions associated with using the car park. The sign sits adjacent to a road traffic sign, a red and white pole mounted sign announcing Charlbury Station and a street light. Whilst visible at close quarters in the vicinity of the car park entrance, by virtue of its siting and existing established planting along the road frontage it is not visible from more distant views when travelling out of the town along the B4437. It is not visible when travelling along the B4437 into Charlbury.
- 3.10. Bearing in mind the above Officers are of the opinion the sign is considered to preserve the character and appearance of the area and as such is considered compliant with both national and local planning policies.
- 3.11. For the same reasons noted at paragraph 3.9 above the sign is considered to conserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.
- 3.12. The sign is also beneficial for users of the car park as it identifies both the location of a car parking facility to serve the station and lists the terms and conditions of use.
- 3.13. Given that planning enforcement action is discretionary and that the NPPF advises that local planning authorities should act proportionately in responding to breaches of planning control, bearing in mind the above planning assessment Officers are recommending that Members resolve to take no further action in respect of the sign whether it requires express advertisement consent or otherwise.

4. ALTERNATIVES/OPTIONS

Members may consider that harm to interests of acknowledged importance as outlined in your officer's report, are such that it is considered expedient to take either discontinuance action or proceed to prosecution for removal of the sign.

5. FINANCIAL IMPLICATIONS

None at this stage.

6. RISKS

None at this stage.

7. REASONS

See Section 3 above.

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Date: 13 July 2017

Background Papers:

None