
Appeal Decision

Site visit made on 10 April 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/M4510/H/16/3159342

Land at Byker Bank, Newcastle NE6 1LH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against conditions imposed when granting express consent.
 - The appeal is made by Insite Poster Properties Ltd against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2016/1110/01/ADV is dated 14 July 2016.
 - The condition in dispute is No 1 which states: "*This consent shall expire at the end of the period of three years from the date of this decision.*"
 - The reasons given for the condition is: "*As required by Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*"
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Decision

1. The appeal is allowed and the advertisement consent Ref 2016/1110/01/ADV for the display of 2 internally illuminated LED screens at Land at Byker Bank, Newcastle NE6 1LH, granted on 9 September 2016 by Newcastle-upon-Tyne City Council, is varied by deleting Condition 1 and substituting for it the following condition:
 - 1) The consent shall expire at the end of the period of 5 years from the date of this decision.

Main Issue

2. The main issue is whether the condition is necessary or reasonable in the interests of amenity or public safety.

Reasons

3. Regulation 14(1) of *the Regulations* gives the local planning authority the power to grant express consent subject to the standard conditions and, subject to Regulation 14(7), to such additional conditions as it thinks fit. Regulation 14(7) states that an express consent shall be subject to the condition that it expires at the end of: (a) such period as the local planning authority may specify in granting the consent; or (b) where no period is so specified, a period of 5 years.
 4. Regulation 16(2) states that the local planning authority shall state in writing its reasons for the imposition of any condition under regulation 14(1) other than a standard condition and the imposition of a condition whereby the consent expires before the expiry of 5 years from the date on which it is
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granted, unless the period specified in the condition is a period proposed by the applicant.

5. The condition in this instance limits the period for the display of the advertisement to 3 years. Such a period was not proposed by the appellant, indeed I note the appellant originally sought a longer period for the display. In granting express consent, the Council was satisfied that the advertisements would be acceptable in the interests of amenity and public safety, noting that the digital displays would be visually acceptable in this location and that highway safety implications would be acceptable.
6. There is nothing to suggest that the character of the appeal site and its environs would be significantly altered in the future such that a shorter period for the display of the advert would be justified. Indeed, no substantive evidence has been put forward by the Council to demonstrate that harm would be caused to visual amenity or public safety by the advertisements after a three year period has expired.
7. I conclude, therefore, that the condition is not necessary or reasonable in the interests of amenity or public safety. I agree with the appellant that a condition which states that the consent shall expire at the end of the period of 5 years in accordance with Regulation 14(7) is necessary and reasonable.

Conclusion

8. For the reasons given above, I conclude that the appeal should be allowed. As such, Condition No 1 of 2016/1110/01/ADV is deleted and express consent granted subject to the new condition set out above.

Jason Whitfield

INSPECTOR