



Appeal Decision

Site visit made on 24 November 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2020

Appeal Ref: APP/R4408/Z/20/3260848

Land at Wakefield Road, near Smithies Lane, Barnsley S71 1NG

- 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 Alight Media (Mr G Hughes) against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2020/0857, dated 31 July 2020, was refused by notice dated 28 September 2020.
 - The advertisement proposed is the erection and display of a freestanding 48 sheet digital advertising unit.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have referenced a number of policies within the Barnsley Local Plan (LP) and a Supplementary Planning Document (SPD) for Advertisements. I have taken these into account where relevant, but the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) clearly states that issues to be addressed should only include amenity and public safety, which is reiterated by the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG).

Main Issue(s)

3. The main issues are the effect of the proposal on the visual amenity of the area and public safety in relation to road users.

Reasons

Visual Amenity

4. The appeal site is a small grass verge on the A61 Wakefield Road. The locality is mainly commercial in nature but there are pockets of residential development. The A61 is a busy highway that links into the town centre. From the evidence submitted by the Council it appears there is an approval on the adjacent land for residential development.
5. The proposed advert is 6m x 3m (48 sheet size) and would be mounted on 3m tall steel supporting structure, it is internally illuminated and displays static imagery, that can change every 10 seconds. As part of the proposal, the existing totem advertisement sign for the adjacent commercial premises would be removed.

6. The appeal proposal would be in a prominent position, close to a set of traffic lights where road users and pedestrians are stood for periods of time. I note the comments of the appellant that these types of adverts are now common in street scenes in South Yorkshire and the country as a whole but the proposal would dominate the surrounding area both in size and height. There are other advertisements in the locality, but these are generally smaller and relate in some way to the premises that they are advertising.
7. I note from the evidence of the appellant that the advert display is within best practice guidance in terms of brightness and that the advert transition is virtually instant, but I find that the illuminated advert would be incongruous in the locality and stand out from the other advertisements on this section of Wakefield Road and dominate the locality. The impact would be further exacerbated by the nature of the advertisement and its intermittent changes, which would stand out and increase its prominence within the locality and cause harm to the amenity of the area.
8. I note that both parties have supplied previous appeal decisions that bolster their case, but I do not have full details of those cases, and each appeal must be considered on its own merits.
9. As per the Regulations, I have taken the Development Plan into account as far as it is relevant. Policy D1 of the LP and the SPD look to make sure that advertisements are sensitively located and make a positive contribution. These are relevant to visual amenity and are therefore material considerations. As a result, I find there is harm to the visual amenity of the area and the proposal is contrary to Policy D1 of the LP, the SPD and the advice given in the Framework.

Public Safety

10. It was apparent from my site visit that the A61 Wakefield Road is heavily trafficked and pedestrians were also prevalent in the area due to the number of commercial premises in the locality. The PPG notes that advertisements are intended to attract attention and any advertisements proposed in areas where drivers need to concentrate are likely to affect public safety. It also states that advertisements which may cause danger to road users are those that have illumination and those that change display.
11. I have noted previously that these advertisements are a common feature in the street scene in various locations up and down the country, but this advertisement would be a dominant feature in the locality, and in close proximity to a set of traffic lights. The change of display, albeit instant, could potentially distract motorists and pedestrians on this busy section of highway. This visual prominence from the display could distract drivers when highway concentration is necessary.
12. The appellant has drawn my attention to other advertisements, and these may be near heavily trafficked highways, but the circumstances are not comparable to this current appeal, and I must make an assessment on this particular set of circumstances, and despite previous approvals demonstrated as examples, I have identified potential harm in this instance, and must react accordingly.

13. For that reason, I conclude that on this issue, the proposal is contrary to Policy T4 of the LP as it relates to development being designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Other Matters

14. I have taken into consideration the standard conditions and those that could be created to mitigate the impact, but I find that these could not overcome the harm that I have identified.
15. I have also appraised the benefits forwarded by the appellant in favour of the proposal, but I find that these would not outweigh the harm identified.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I find that the appeal should be dismissed.

Paul Cooper

INSPECTOR