
Appeal Decision

Site visit made on 24 February 2021

by Beverley Doward BSc BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/B4215/Z/20/3263090
246 Moston Lane, Manchester, M40 9WF

- 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 Wildstone Group Limited against the decision of Manchester City Council.
 - The application Ref 127780/AO/2020, dated 4 August 2020, was refused by notice dated 6 October 2020.
 - The advertisement proposed is described as 'upgrade of existing 48 sheet billboard to support digital poster'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this case is the effect of the proposed advertisement on amenity and public safety.

Reasons

3. The appeal proposal is a digital advertisement display unit that would be sited in an elevated position on the gable end of 246 Moston Lane, a two storey end of terrace property with a hot-food takeaway located at ground floor level. There is an existing non illuminated 'paper and paste' billboard on the site in a similar position and of a similar size and orientation to that proposed although there is some disagreement between the parties as to whether or not this benefits from deemed consent. There are also a number of other non-illuminated advertisements on the building which the Council states are unauthorised.
4. The appeal site is within a predominantly commercial/retail area which contains various types of advertisements and signs both illuminated and non-illuminated. However, I saw from my site visit that within the immediate vicinity of the appeal site these are largely at street level and closely associated with retail and commercial premises. Whilst there are some advertisements on gable walls of existing buildings, none are directly comparable with the proposal before me. Large digital advertisements occupying raised positions are not characteristic of the locality.
5. The elevated position, scale, method of display and multi changing nature of the proposed advertisement would mean that it would be more apparent and

prominent in the street scene than the existing non-illuminated advertisement on the site, particularly when viewed from the west and during the hours of darkness. I appreciate that the images would be static. However, the advertisements would be capable of changing to display new adverts every ten seconds and the digital nature of the images displayed would mean that the proposed advertisement would be more apparent and prominent in the street scene than the existing advertisement board. Whilst the brightness of the display and hours of illumination could be controlled by conditions, the new display would visually dominate this stretch of commercial and retail frontage along a major route from the city centre. Accordingly, whilst the site is not within a conservation area, in close proximity to any heritage assets or any landscape or environmental designations, the proposed advertisement would nevertheless appear visually incongruous and be an overly dominant addition to the street scene to the detriment of the character and appearance of the area. Accordingly, it would have a harmful effect on amenity.

6. The Council states that the proposed advertisement would have a detrimental impact on highway safety along this section of Moston Lane due to the proposed level of luminance which exceeds its recommended maximum luminance. However, as indicated above, this could be controlled by condition. Accordingly, I consider that the proposal would not cause harm to highway safety and would not therefore prejudice public safety.
7. The Council refers to recent appeal decisions for similar advertisements in support of its case. However, I confirm that I have considered the appeal proposal on its own merits having regard to the specific context of the site and its surrounding. These appeal decisions have not therefore been determinative in my consideration of this appeal.
8. The Council refers to a number of policies of the Manchester Core Strategy Development Plan Document (2012) (Core Strategy) and saved policies of the Manchester Plan: the Unitary Development Plan for the City of Manchester (1995) (UDP), which it considers material to this appeal. In the light of my findings above, the proposal would accord with policies SP1, T1 and DM1 of the Core Strategy and saved policies DC15.1 and DC15.2 of the UDP in so far as they seek to ensure highway safety. However, it would be contrary to policies EN1, SP1 and DM1 of the Core Strategy and saved policies DC15.1 and DC15.2 in so far as, when taken together, they seek to ensure proposals do not harm the character and appearance of the area. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety. The National Planning Policy Framework and the Planning Practice Guidance reiterates this approach. In my determination of this appeal the Council's policies have not therefore been decisive but are a material consideration.
9. The appellant suggests that the proposal would result in benefits through the reduction of the amount of waste generated from replacing the existing paper and paste style advertising, opportunities to advertise charitable campaigns and public art and an increase in business rates. However, any benefits in these respects would not serve to outweigh the harm I have identified to amenity.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

10. To conclude therefore, whilst I have found that the proposed advertisement would not prejudice public safety it would have a harmful effect on amenity. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR