



---

## Appeal Decision

Site visit made on 1 March 2021 by Darren Ellis MPlan

**Decision by Chris Preston BA(Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 April 2021**

---

**Appeal Ref: APP/R0660/Z/20/3262435**

**86 Mill Street, Macclesfield, SK11 6NR**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
  - The appeal is made by Mr Nicholas Lewis on behalf of Estate and Leisure Holdings Ltd against the decision of Cheshire East Borough Council.
  - The application Ref 20/3406M, dated 5 August 2020, was refused by notice dated 19 October 2020.
  - The development proposed is the Installation of 1 x Portrait digital advertising sign, measuring 3m high x 2m wide.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue is the effect of the proposal on the visual amenity of the area having particular regard to whether the effect on the setting of the Grade II listed buildings at 79, 81 and 83 Mill Street.

### Reasons for the Recommendation

4. The proposed hoarding would be situated on the north-facing gable of the appeal property, a three-storey property on Mill Street in Macclesfield town centre. Immediately adjacent to the site is a pedestrian access to and a vehicular exit from the bus station. The buildings in this part of Mill Street are characterised by commercial units at the ground floor level with some residential accommodation above.
  5. Opposite the appeal site are the Grade II listed buildings at 79, 81 and 83 Mill Street. Although each has a separate address the three buildings share common architectural detailing with shops at the ground floor with sash and blind windows, stone painted voussoir heads, and moulded stone string course and parapets at the first and second floors. The design of these buildings, including these architectural details, creates an attractive frontage that contributes positively to the character and appearance of the wider area. The
-

significance of the buildings lies not only in their design but in their contribution to the wider setting, as evidence of the historic evolution of the town centre in the early 19<sup>th</sup> century.

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. Due to the incline and curvature of Mill Street and the proximity on the junction with Roe Street the attractive buildings are prominent and can be appreciated from some distance away. Thus, the setting of the buildings extends to more than the immediate vicinity and they are seen in the context of the surrounding commercial streets.
7. The existing shopfronts contain a range of advertisements including fascia and projecting signs, with some of these being illuminated. Those advertisements closely relate to the use of the associated premises and are generally situated at ground floor level. No poster style displays were evident in the immediate context of the appeal site and its surroundings. The appellant has referred to poster style displays at Mill Lane, The Silk Road and Cross Street. However, those displays are elsewhere in the town. Their presence does not alter the established character of Mill Street as described above and their context is not directly comparable, having regard to the adjacent listed buildings.
8. The proposed digital advertisement would be prominently positioned at the first and second floor level of the appeal building. Although the proposed screen would not face towards the listed buildings, they would be seen at the same time by anyone approaching the site from the north or from the bus station. As a result of its height, modern appearance and digital illumination, and given the lack of other digital screens in the vicinity of the appeal site, the proposed advertisement would jar against the traditional appearance of the listed buildings and the prevailing pattern of shop frontages with more modest and related signage at ground floor level. I recognise that the gable end of the building is presently blank above ground floor level. However, it does not unduly detract from the character of the area as a result and the absence of advertising enables the building and wider street scene, including the listed buildings, to be readily appreciated.
9. Consequently, the overtly modern appearance of the proposal would not preserve the setting of the listed buildings, nor would it reflect the established character of the wider area. Whilst levels of illumination and the mechanism to control images could be controlled by condition this would not significantly alter the fundamental nature of the digital display which would remain at odds with the prevailing character of the area.
10. Photographs submitted by the appellant show previous advertisements on the side elevation of the appeal building. However, these advertisements do not appear to have been illuminated and the visual impact and effect on the setting of the listed buildings would not have been as great. No details of any permissions for these previous advertisements have been submitted. Furthermore, as the most recent photograph appears to have been taken in or around 2003, the national and local policy context for advertisements will have changed. Therefore, the previous advertisements are not directly comparable to the proposal before me and do not alter my conclusion on the harm to the character of the area or setting of the listed buildings.

11. While the proposal would cause harm to the setting of the listed buildings, this harm would be less than substantial. Paragraph 196 of the Framework states that where less than substantial harm would be caused to a heritage asset, the harm should be weighed against the public benefits of the proposal.
12. No specific public benefits have been put forward. The appellant argues that the proposed advertisement would make the building more lettable and sustainable. However, given the existing advertising and branding of the premises the business would still have a presence within the street scene. Moreover, it is not clear what the link would be between any advertising on the gable end and the use of the rest of the building. Consequently, I am not persuaded on the evidence before me that the digital screen applied for is necessary for the economic success of the business. Moreover, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Thus, those issues do not amount to a public benefit to outweigh the harm to the listed buildings.
13. I have been referred to a digital advertisement in Bramhall, Stockport, that was granted advertisement consent in 2019<sup>1</sup>, although no details on whether the site was within the setting of a listed building have been submitted. Finally, my attention has been drawn to a digital advertisement in Warrington that allowed on appeal in 2020<sup>2</sup>. I note that this proposal was to replace an existing advertisement hoarding with a smaller hoarding, which has the overall effect of lessening the impact on the Conservation Area and nearby listed buildings. For these reasons, these examples are not directly comparable to the appeal proposal.
14. The Council has drawn my attention to policies SE1 and SE7 of Cheshire East Local Plan Strategy (July 2017) and saved policy DC51 of the Macclesfield Borough Local Plan (January 2004), all of which seek in various ways to protect amenity and heritage assets. However, whilst I have taken them into account as material considerations, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies are not, in themselves, decisive.

### **Conclusion and Recommendation**

15. For the reasons given above and having had regard to all other matters raised, I conclude that the proposed digital advertisement would cause harm to the visual amenity of the area and to the setting of the listed buildings, and no public benefits have been put forward that would outweigh this harm. I therefore recommend that the appeal is dismissed.

*Darren Ellis*

APPEAL PLANNING OFFICER

---

<sup>1</sup> Planning application ref. DC/072299

<sup>2</sup> Appeal ref. APP/M0655/Z/20/3251305

**Inspector's Decision**

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Chris Preston*

INSPECTOR