



Appeal Decision

Site visit made on 26 April 2021 by Darren Ellis MPlan

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2021

Appeal Ref: APP/R4408/Z/21/3266528

Land at Grange Lane, Barnsley, S71 5QQ

- 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 Wildstone Group Limited against the decision of the Barnsley Metropolitan District Council.
 - The application Ref 2020/1059, dated 17 August 2020, was refused by notice dated 17 November 2020.
 - The development proposed is described as an Upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is allowed and advertisement consent is granted for the upgrade of the existing 48 sheet advert to support a digital poster on Land at Grange Lane, Barnsley, S71 5QQ. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations and the following additional conditions:
 - 1) The luminance levels shall be restricted to 300 candelas per square metre during hours of darkness.
 - 2) The screen display shall not contain moving images, animation, video, full motion images, or images that resemble road signs or traffic signs.
 - 3) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous, with no visual effects including swiping or other animated transition methods between successive displays.

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 Issues

3. The main issues are the effect of the advertisement on public safety and visual amenity.
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Reasons for the Recommendation

4. The appeal site consists of an existing freestanding non-illuminated 48 sheet poster display, adjacent to Don Pepe's takeaway. The site is next to a busy road junction between the A628 Pontefract Road and the A633 Grange Lane/Rotherham Road. The display faces west, towards Rotherham Road and the south-western arm of Pontefract Road. At the time of my site visit the display was partially screened by an overgrown hedge, however the display would be visible from both of these roads should the hedge be cut back.
5. The proposal would replace this existing display with an internally illuminated digital display of the same size. The proposed advertisement would show static images that would change at intervals of not less than 10 seconds.
6. The display would be set back from the edge of the highway and would be of a height similar to the existing traffic signals. However, due to its positioning the display would not obscure or be in a direct line of the traffic signals. Furthermore, for this reason the proposed screen would not distract drivers from the operation of the pedestrian crossings.
7. The purpose of all advertisements is to attract attention and to be seen. The appellant has suggested a range of conditions to control how often the images change and to ensure that there are no moving images or effects. Although an advertisement with changing images is likely to draw attention more than one with a fixed image, in this case the position of the screen together with these conditions would prevent any significant distraction to drivers.
8. For these reasons, the proposed digital screen would not have a detrimental effect on public safety.
9. The surrounding area has a mixed commercial and residential character. The buildings immediately adjacent to the road junction having a commercial flavour with shopfronts and fascia signs, some of which are illuminated. The busy character of the main road and the fascia signs and advertisements associated with the commercial premises contribute to the vibrant appearance of the area and the existing hoarding does not look out of place in that context.
10. While the Council states that the existing hoarding was erected without consent, the hoarding appears to have been in place for a number of years and is an established part of the street scene. Furthermore, no evidence of discontinuance action against the advertisement has been submitted. The proposed hoarding would be the same size and of a very similar depth to the existing hoarding, and as such there would be no notable change in those respects.
11. Whilst I acknowledge that digital images would change at regular intervals and would be more visible when it is dark as a result of the LED illumination, the level of illumination could be regulated by condition. The appellant suggests that luminance levels should be restricted to 300 candelas per square metre at night. At such levels I am satisfied that the luminance of the advertisement would be appropriate in the context of the surrounding environment, having regard to the busy and well-lit nature of the road and the presence of commercial premises. Similarly, the speed with which the advertisements change and the prevention of video or moving images could also be controlled by condition. Consequently, whilst the digital advertisement would appear more

conspicuous than the existing, it would not appear intrusive or out of place having regard to the established character of the area.

12. For the reasons given above, I consider that the advertisement would not cause harm to the amenity of the area.
13. The Council has drawn my attention to Policies T4 and D1 of the Barnsley Local Plan (January 2019), which seek to protect highway safety and visual amenity respectively. I am also referred to the Supplementary Planning Document Advertisements (May 2019) (SPD), which supplements Policy D1 and issues guidance about the display of advertisements. However, whilst I have taken these policies and the SPD 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.

Conditions

14. The appellant has suggested a series of conditions to regulate the illumination and appearance of the images in the event that the appeal was allowed. I have considered them having regard to the tests set out in Paragraph 55 of the National Planning Policy Framework, and have amended them where necessary for clarity and precision. In the interests of public safety and visual amenity it is necessary to control the luminance of the sign, moving images and the frequency with which the displays change. Such conditions are necessary to make the proposal acceptable.
15. For the reasons given above, I recommend that the appeal should be allowed and express consent granted subject to the conditions relating to the above matters in addition to the standard conditions set out in the Regulations.

Darren Ellis

APPEAL PLANNING OFFICER

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 allowed subject to the conditions set out in paragraph 1.

Chris Preston

INSPECTOR