



Appeal Decision

Site Visit made on 15 June 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2021

Appeal Ref: APP/X4725/Z/21/3268069

135 Barnsley Road, South Elmsall, Pontefract WF9 2AE

- 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 Wakefield Metropolitan District Council.
 - The application Ref 20/01994/ADV, dated 10 July 2020, was refused by notice dated 18 December 2020.
 - The advertisement proposed is described as the "Upgrade of existing 48 sheet advert to support digital poster."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description detailed in the banner heading above from the application form. I note that the Council has used a different description on the decision notice, to refer to the replacement of 2 existing 48 sheet adverts with the proposed digital poster.
3. The Council has drawn my attention to the development plan policies it considers to be relevant to this appeal. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive; however, I have taken them into account as a material consideration where relevant.
4. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied.
5. The circumstances of this appeal are such that it has not been necessary to seek comments from the parties on the revised Framework. Paragraph 132 of the replaced Framework, concerning advertisements, has been unchanged in the revised Framework and is now paragraph 136.

Main Issue

6. The main issue is the effect of the proposed advertisement on the amenity of the area.

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

Reasons

7. Paragraph 136 of the Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. The Regulations state that 'amenity' includes aural and visual amenity and that factors relevant to amenity include the general characteristics of the locality. The Planning Practice Guidance (PPG) advises that in assessing amenity, the local characteristics of the neighbourhood would always be considered².
8. The proposed digital poster would replace two existing 48 sheet adverts located on the gable end of a commercial property. This part of Barnsley Road is predominantly commercial in character, though I saw at the site visit that residential properties make up a significant component. The appeal site overlooks a landscaped area, including trees that soften the urban environment.
9. The proposed large illuminated digital panel would be situated in an elevated position, detailed by the Council as being 3.15m above ground level. The appellant details that images would change "instantly" and take place no more than once every ten seconds. Nonetheless the proposed LED panels would introduce a distinctly different form of advertising into the area in terms of appearance and luminance, which I note would be reduced at night-time. The elevated position in combination with the adjacent gap in the street frontage along this section of Barnsley Road would make the proposed digital poster particularly prominent when approaching it. As such, it would be distinctly different to the existing advertising in the area, which generally relates to the business occupying the respective properties. As such, the scale and form would appear incongruous and be a dominant feature on the roadside which would harmfully alter the character of the local area.
10. The use of illumination would further draw attention to the proposed advertisement, particularly at night. While all advertisements are intended to attract attention, the large area to be illuminated would make this advertisement particularly prominent in the proposed position, and while I note that the appellant has proposed a reduced level of illumination at night, amongst other measures, I do not find that this sufficiently mitigates the harm identified previously.
11. The appellant details the benefits of the scheme as including environmental gains by removing the need to visit the site to repost the advert and the use of void period for non-commercial purposes, such as charitable campaigns and public art, though no further details are provided. Furthermore, the proposed digital poster would replace 2 existing 48 sheet adverts, thus representing a reduction in overall size. These benefits are material considerations that weigh in favour of the appeal scheme but do not however outweigh the harm I have identified previously.
12. For the reasons above I find that the proposal would have an appreciable and harmful effect on the visual amenity of the area.
13. Although not determinative in this case the proposal would conflict with policy D9 and D16 LDF DPD which collectively require new development to make a positive contribution and respect the environment and amenity of its locality. It

² Paragraph: 079 Reference ID: 18b-079-20140306

would also be inconsistent with policies of the Framework which seek well-designed places.

Conclusion

14. For the reasons given above I conclude that the display of the would be detrimental to the interests of amenity. The appeal is therefore dismissed

Mr M Brooker

INSPECTOR