



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: 09 August 2021

Appeal Ref: APP/X4725/Z/21/3268621

Commercial Hotel, High Street, Castleford WF10 5JU

- 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 Clear Channel UK against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/02094/ADV, dated 25 September 2020, was refused by notice dated 18 December 2020.
 - The advertisement proposed is described as "upgrade of existing 48 sheet advert to support digital poster."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework') replacing the previous version. The Framework represents the Government's up-to-date planning policies for England and how they should be applied.
4. 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

5. The main issue is the effect of the proposed advertisement on the amenity of the area and local residents.

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

Reasons

6. 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.
7. The proposed digital poster would replace the existing 48 sheet advert located on the gable end of a commercial property in a mixed use, but predominantly residential area on the edge of the town centre.
8. The proposed large illuminated, digital panel with changing images would introduce a distinctly different form of advertising into the area in terms of scale and style, and its prominent position adjacent to a road junction would make it 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.
9. 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 mitigated the harm identified previously.
10. Residential dwellings look directly onto the appeal site from a short distance on the opposite side of Pauline Terrace. As a result of the location, scale and proximity to the residential dwellings the proposed advertisement would have a significant impact on the amenity of local residents.
11. For the reasons above the proposal would have an appreciable and harmful effect on the visual amenity of the area and local residents.
12. Although not determinative in this case the proposal would conflict with policy D9 and D16 of the LDF DPD which collectively require new development to make a positive contribution and respect the environment and amenity of its locality. It would also be inconsistent with policies of the Framework which seek well-designed places.

Other Matters

13. The appellant details 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. These benefits do not however outweigh the harm I have identified previously.

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

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