
Appeal Decision

Site visit made on 21 March 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by A Jordan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2022

Appeal Ref: APP/G4240/Z/22/3291488

M67 Slip Road, Manchester Road North, Denton, Manchester, M34 3NS

- 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 Estates Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 21/01174/ADV, dated 24 September 2021, was refused by notice dated 3 December 2021.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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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.

Preliminary Matters

3. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal, and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance (PPG) reiterate this approach.
4. The existing 48 sheet advertisement had been removed by the time of my visit. However, the evidence indicates that it had been in place for over 10 years and according to the Council was the subject of consent in 2004². I have determined the appeal accordingly.

Main Issue

5. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to disagree with the Council on these matters.
6. Therefore, the main issue is the effect of the advertisement on the amenity of the area.

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

² 04/00344/ADV

Reasons for the Recommendation

7. The appeal site lies close to the slip road to the M67 and on the verge of the A57, both accessed from a roundabout junction of the M60. It is close to a bus stop and telecommunications mast. The area is characterised by a mix of commercial and residential development, which is modest in height.
8. The proposed advertisement would be approximately 3 metres high and 6 metres wide at a height of 4.4 metre above the ground on a monopole. The increase in height of the proposal when compared to the original advertisement would result in a visually dominant feature that could be viewed from a wide area, particularly from the M67 slip road. The intermittent changing of the illuminated display would also significantly attract attention, accentuating its visual prominence in the street scene. Whilst I accept that the area is lit with streetlights, on my visit I did not see any other large, illuminated advertisements in the vicinity of the proposal. As a result, the proposed advertisement would form an obtrusive and incongruous feature which would be visible for some distance from the appeal site. This would be harmful to the visual amenity of the surrounding area.
9. Whilst it is argued that this proposal would replace an advertisement that was previously in situ, I note that in addition to the increase in height, its digital LED illumination would be noticeably different to the previous advertisement. The suggested conditions to control the display and level of illuminance would not mitigate the harm I have identified.
10. The appellant argues benefits to the proposal in environmental, social and economic terms, such as the reduction in printed posters, travel to advertisement sites, public emergency messaging and improvement of the area. In as far as these matters are relevant to the consideration of the proposal, they would not outweigh the significant harm the proposal would cause to the visual amenity of the area.
11. My attention has been drawn to an appeal decision for a digital advertisement. From the information before me it appears that the advertisement in Liverpool is not directly comparable to the appeal proposal as it is located on a building and replaces an advertisement without increasing its height. In any event, I have determined this appeal on its own merits based on the site-specific circumstances of the case.
12. Consequently, taking all the above into consideration, I conclude that the proposal would result in unacceptable harm to the visual amenity of the area. It would be contrary to guidance on advertisements within the Framework and the aims of Policy C1 of the Tameside Unitary Development Plan (2004) which, although not decisive and vary slightly in their wording, collectively seek to ensure proposals do not harm the character of the area.

Conclusion and Recommendation

13. The proposed development conflicts with the development plan as a whole and there are no other material considerations, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

A Jordan

INSPECTOR