



Appeal Decision

Site visit made on 22 November 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal Ref: APP/N2739/Z/22/3308702

57 York Road, Tadcaster, North Yorkshire LS24 8AR

- 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 Selby District Council.
 - The application Ref 2022/0774/ADV, dated 16 June 2022, was refused by notice dated 16 August 2022.
 - The advertisement proposed is replacement digital D-Poster advertisement.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In the determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.

Main Issue

3. There is no dispute between the parties that the proposal would not cause harm to public safety. I have no reason to disagree. The main issue in this case is therefore the effect of the proposal on the amenity of the area.

Reasons

4. The appeal site is an existing 48-sheet advertising display on the gable wall of 57 York Road. It looks on to the westbound A659, which leads into Tadcaster, and feeds from the main A64 that serves Leeds, York and the East Coast.
5. The surrounding area is predominately residential in nature and its character comes from the mixed nature of dwellings in the locality. With any commercial premises in the area, advertisement is generally confined to shopfronts, and modest in design, although there is a Public House in close proximity of the appeal site.

6. The existing display appears discordant in that commercial context by virtue of its size and prominent location on the gable end of the building. By virtue of the sequential format of displaying advertisement, with changing images every 10 seconds or so, the proposed replacement digital display panel would appear more prominent than the existing 48-sheet advertisement display.
7. In addition, whilst the area may be well lit, and the intensity of the panel's illumination would accord with guidelines for illumination of advertisements, the proposal's illumination and changing images would be an incongruous feature which would compromise the character and appearance of the area.
8. In this location, the digital illuminated sequential display would be a discordant and unduly prominent feature. The type and design of the advertisement would detract from the street's quality along this section of York Road, and it would be visually harmful to the locality.
9. I accept that the appeal site is located alongside a busy road with a commercial presence and street lighting is present. Nevertheless, the stark nature of displayed images on a digital panel in a position so close to a predominately residential area would be materially harmful to the amenities of the area and the proposed digital panel would therefore be an intrusive and unpleasant feature.
10. As a result, the proposal would be contrary to Paragraph 136 of the National Planning Policy Framework (the Framework) which states that the quality and character of places can suffer when advertisements are poorly sited and designed.
11. Although not decisive, I also find conflict with policy ENV1 of the Selby District Local Plan Part 1 (2005) and policy SP19 of the Selby District Core Strategy (2013) which, amongst other matters, expect development to take account of the effect upon the character of the area.

Other Matters

12. I recognise that the proposed digital advertisement would remove the need for regular site visits and that this would have some very minor benefits in terms of reduced fuel usage, a reduction in parking near the site and waste generation. I also recognise the digital advert would lessen the risk of any health and safety implications from the physical installation and removal of posters. However, these considerations do not outweigh the concerns which I have identified above.

Conclusion

13. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR