



Appeal Decision

Site visit made on 3 January 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2023

Appeal Ref: APP/Z4718/Z/22/3307301

Land at Bradford Road, Batley WF17 5LY

Grid Reference Easting 424713, Grid Reference Northing 424046

- 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 Air Outdoor Media Ltd against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/64/91111/E, dated 16 March 2022, was refused by notice dated 28 July 2022.
 - The advertisement proposed is replacement of existing two externally illuminated 48-sheet billboards with one internally illuminated 48-sheet billboard.
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Decision

1. The appeal is allowed and express consent is granted for the display of advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 200 candela/m² during hours of darkness.
 - 2) The minimum display time for each advertisement shall be 10 seconds and the screen display shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement. Any advertisement displayed on the screen shall be static and not include moving or flashing images.

Preliminary Matters

2. I have used the address provided on the decision notice (other than the grid references), rather than that provided on the application and appeal forms, in the heading above as this is more accurate.

Main Issue

3. The main issue is the effect of the proposed advertisement on the amenity of the surrounding area, having regard to the Station Road, Batley Conservation Area (CA) and the nearby Grade II listed building.

Reasons

4. Planning Practice Guidance (PPG) advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements in an industrial or commercial area of a major city, where there are large buildings and main

highways, and where the advertisement would not adversely affect visual amenity¹.

5. The appeal site is adjacent to Bradford Road which is a busy trunk road. The site is located within the CA. This part of the CA is characterised by a mix of retail, commercial and residential uses. Buildings are predominantly constructed of stone, and they vary in terms of scale, massing, siting and quality. The Council highlights that the site forms one of the main entry points into the CA.
6. The appeal site is also within the setting of a Grade II listed building (Batley Barless Fire Company). The building is a prominent, stone building located on the corner of Bradford Road, Hick Lane and Station Road. It has a curving corner bay with round arched windows and cornice detailing. The Council's Conservation and Design officer objected to the proposal due to its impact on the CA and listed building.
7. The appeal site currently contains two externally illuminated paper and paste billboards. The main parties agree that these were erected over 10 years ago. The proposal would replace the existing billboards with one digital advertisement board.
8. The existing billboards form part of the existing character of the area and have for some time. Within the surrounding area there is advertisement signage associated with the nearby retail and commercial uses. Although the scheme would introduce a digital display, it would not introduce a novel or alien feature into the area. Furthermore, the existing billboards are externally illuminated. The new advertisement would be more modern. However, given the reduction in advertisements, it would not be more prominent or out of character with the existing character of the site. The intensity of the illumination could be controlled by a condition to ensure that the proposal is appropriate for the location.
9. There would be a reasonable gap between the advertisement and the Grade II listed building. There are also intervening trees and a small parking area between the appeal site and listed building. However, I noted on my site visit that at this time of year the trees provide limited screening. The appellant has provided a light diagram which shows that the light spill from the advertisement would be towards The Mill Outlet rather than towards the listed building. This is due to the orientation of the display. The position and orientation of the new board would be consistent with the existing northeast facing billboard.
10. Based on the evidence submitted, the scheme would have less of a visual impact than the current advertisements because it would result in a decrease in the scale of advertising. For the reasons given above and having regard to the existing characteristics of the appeal site, orientation of the advertisement, and subject to appropriate planning conditions, I am satisfied that the proposal would not harm the amenity of the surrounding area. The scheme would preserve the character and appearance of the CA and would not harm the setting of the Grade II listed building and would preserve the special interest of the heritage assets.

¹ Paragraph: 079 Reference ID: 18b-079-20140306

11. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would not cause harm to the amenity of the area, the scheme would meet the aims of Policies LP24 and LP35 of the Kirklees Local Plan: Strategy and Policies (2019) and chapters 12 and 16 of the National Planning Policy Framework.

Conditions

12. The Council has indicated on the appeal questionnaire that they do not consider that any further conditions other than the five standard conditions set out in Schedule 2 of the 2007 Regulations should be imposed in the event that express consent as applied for is granted. However, a condition has been recommended by the Council's Highways officer relating to luminance level. The appellant has also suggested conditions within their submission.
13. In addition to the five standard conditions set out in the Regulations, in the interest of public safety and amenity, I have imposed conditions controlling the illumination, display of advertisements, sequencing and length of displays. The level of luminance would be limited to 200 candela/m² during hours of darkness and would comply with the 'Professional Lighting Guide 05 Brightness of Illuminated Advertisements' by the Institute of Lighting Professionals. I consider this to be an appropriate level of illumination, given the nearby listed building and CA location, and the appellant has set out in their submission that they would accept such a condition.
14. I have not included a condition requiring the advertisement to be turned off between certain hours, as suggested by the appellant. This is because it is not necessary in this case due to the existing externally illuminated advertisements, characteristics of the area and condition controlling the level of luminance.

Conclusion

15. For the reasons given above, the appeal succeeds.

L Wilson

INSPECTOR