
Appeal Decision

Site visit made on 10 July 2023

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/R4408/Z/23/3318874

The Time and Place, Old Mill Lane, Barnsley S71 1LL

- 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 Estate Limited against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref: 2022/1243, dated 22 November 2022, was refused by notice dated 25 January 2023.
 - The advertisement proposed is the installation of 48 sheet freestanding digital poster.
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Decision

1. The appeal is allowed and express consent is granted for the installation of a 48 sheet freestanding digital poster 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 additional conditions set out in the attached schedule.

Procedural Matters

2. The name of the appellant as set out on the appeal form differs slightly from that set out on the planning application form and which is included in the banner heading above. I am however satisfied that the appellant has the authority to proceed. The appeal though proceeds in the name which is set out on the application form.
3. The main parties have also drawn my attention to a freestanding digital display sign that has received express consent¹, directly adjacent to where the proposed sign that is the subject of this appeal would be located. That was a split decision, with the proposed sign refused. As the matter of dispute concerns the introduction of an additional digital advertisement in the area, I have proceeded on the basis that the consented sign would be implemented.

Main Issue

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

Reasons

5. The part of the appeal site where the proposed sign would be located comprises a small, grassed area which is found alongside a retail unit. It also

¹ Council ref: 2022/0345

- lies close to where the access which serves this retail unit and a further unit meets Old Mill Lane, near to a signalised junction. There is also a further side road which accesses an MOT garage that lies past the site, amongst other uses.
6. Old Mill Lane is a busy thoroughfare and the uses in the vicinity of the site are predominantly commercial. The retail units on the same side of the road and the larger units opposite contain a variety of signs. The MOT garage has signage, including a basic digital display, and other uses along this side road also have signage. In addition, there is an existing freestanding digital display sign on the far side of the MOT garage to the site.
 7. The proposed sign would appear within the context of the existing and proposed signage along this commercial corridor, in particular with regard to that on the nearby retail units, the MOT garage and the existing and proposed digital display signs on this side of the road. It would appear amongst these signs, rather than its siting extending their influence alongside Old Mill Lane. It would not therefore alter the character in this regard to an appreciable degree.
 8. Nor would the number of signs appear excessive, in particular because such signage would be anticipated where there are a number of commercial uses and beside a main route. Whilst there would be some clustering of signs where the proposed sign would be located due to the proximity to the approved digital display and the signs on the adjacent retail unit, there would still be some separation from the other existing signage in this area.
 9. The extent to which the site can be considered open is limited due to its proximity to the side wall of the retail unit. This is larger and accordingly the proposed sign would be seen in some views against the backdrop of it. The proposed sign would also not be unduly prominent because it would be set back from Old Mill Lane by the access arrangements to the retail units and the MOT garage access road.
 10. I have also been made aware that the site has previously had poster board advertisements on it. As these have been removed, they have a limited bearing on my decision, including whether or not this has resulted in a visual improvement. The means of illumination and the method of display would be of a more modern nature but again this is a commercial location which can ably accommodate such a change, without resulting in an unacceptable and detrimental impact on the visual amenity of the area.
 11. With regard to other appeal decisions that I have been referred to, and whilst I note the prominent town centre locations, considering the effects of an additional sign in this location depends on the particular site and immediate surroundings, which in this case I deem to be not unacceptable. None of these matters alter my conclusion.
 12. When these factors are considered together, this additional proposed sign would not materially harm the streetscene. Similarly, it would not result in an over provision of signage that would result in a cluttered and aggressively commercial appearance, and would not have a damaging impact on the visual character of the area. I do not therefore find conflict with where I have been referred to the Council's Supplementary Planning Document: Advertisements (2019) (SPD).

13. I conclude that the proposed advertisement would not have an unacceptable effect on the amenity of the area. As such, it would comply with paragraph 136 of the National Planning Policy Framework where it states that the quality and character of places can suffer when advertisements are poorly sited and designed, and that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
14. I have taken into account Policy D1 of the Council's Barnsley Local Plan (2019) which seeks to protect amenity and so is material in this case, as well as the SPD. Given that I have concluded that the proposal would not harm amenity, it would not conflict with this policy or the SPD.

Other Matters

15. The main parties agree that the effect on public safety would not be unacceptable. In this respect, the proposal would not cause road or pedestrian safety issues with its siting.

Conditions

16. Apart from the five standard conditions, I have imposed conditions controlling the images, the duration of the individual advertisements, the transition of images, brightness adjustment, dealing with the installation breaking down and the maximum luminance. I have imposed these conditions in the interests of amenity and public safety.

Conclusion

17. For the reasons set out above and having regard to all matters raised, the appeal is allowed.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) No individual advertisements displayed on the LED panels shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
- 2) No individual advertisements shall be displayed for a duration of less than 10 seconds.
- 3) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panels.
- 4) The display panels shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- 5) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
- 6) The maximum luminance level of the advertisements displayed on the panels shall not exceed 300cd/m² during non-daylight hours / inclement weather.