



Appeal Decision

Site visit made on 25 July 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/E2734/Z/23/3324041

Saint James Retail Park, Knaresborough

Easting (x): 436581 Northing (y): 456057

- 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 75 Media against the decision of North Yorkshire Council.
- The application Ref 23/00951/ADV, dated 7 March 2023, was refused by notice dated 3 May 2023.
- The advertisement proposed is the installation of a single digital billboard.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made to Harrogate Borough Council (Harrogate BC). However, on 1 April 2023 Harrogate BC merged with a number of other Councils to form a new Unitary Authority known as North Yorkshire Council. Regulation 26 of The Local Government (Boundary Changes) Regulations 2018, allows for any extant development plans to have effect as if adopted by the new Unitary Authority until such time as the new Unitary Authority adopts a plan covering the whole of its area. For the purposes of this appeal, in so far as policies contained within it are relevant, the development plan comprises the Harrogate District Local Plan 2020 (HDLP).
3. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may only be exercised in the interests of amenity and public safety. I have therefore taken HDLP Policy HP3 into account insofar as it is material, but it has not been decisive in my decision.

Main Issues

4. The main issues are the effect of the advertisement on:
 - The amenity of the area; and
 - Highway (public) safety.

Reasons

Amenity

5. The appeal site is situated close to the junction of Grimbald Crag Road and the access road to St. James Retail Park off the B6164 Grimbald Crag Way. The appeal scheme consists of a freestanding 48-sheet single-sided digital display supported on two legs measuring approximately 6.0 metres x 3.0 metres and

raised 2.5 metres from the ground. The hoarding would comprise a digital LED panel showing instantaneously changing displays. The displays would be static but would change frequently. The panel would be located in a position roughly perpendicular to the access road within an area of landscaping around the perimeter of a car park serving shops and services within the retail park. The advertisement would face towards the highway.

6. The area is predominantly commercial in character and whilst there are some large fascia and monolith style signs in the vicinity, illuminated 48-sheet sized advertisements and other local advertisements are not prevalent. As a result, the proposal would be visually dominant due to its size, design and siting. It would appear intrusive and incongruous in its context, especially when viewed from Grimbald Crag Road and also from within the car park where the rear of the panel would be highly visible.
7. Whilst light levels emitted would or could be reduced overnight, it would nevertheless be a bright feature in the streetscape. Even taking into account the busy commercial surroundings, the structure and its digital display would be an obtrusive addition in this particular location.
8. The proposal would therefore be unacceptable in visual amenity terms, introducing visual clutter and thus harming the character and appearance of the area. Insofar as it is a material consideration, the proposal would be contrary to Harrogate Local Plan Policy HP3 which seeks to ensure that all development is of high quality and appropriate to its location.

Public Safety

9. The appeal proposal close to the junction of St. James Retail Park and Grimbald Crag Way would be visible to motorists on Grimbald Crag Way as they approached the left hand turn into the retail park. The hoarding would be of substantial size and whilst the imagery would not rotate, it would change frequently.
10. I noted during my site visit that the junction was busy and the drive-through lane for the nearby McDonald's restaurant was close by, as was a turning into the car park. I also observed that the drive-through queue was spilled out beyond the end of its approach lane. I acknowledge that this represents only a snapshot in time, however, it is likely that the situation arises at peak times on a regular basis.
11. Whilst the advertisement would be visible straight ahead on the approach to the junction from Grimbald Crag Way, this would only be for a short period of time whilst drivers are travelling between the nearby roundabout on the B6164 and the junction into the retail park. I therefore cannot be certain that it would not cause a distraction to drivers negotiating the turn into the retail park, encouraging them to look sideways where stationary or slow-moving traffic may be likely to be encountered ahead.
12. Although the levels of luminance of the display could be controlled and would not exceed the guidance set out by the Institute of Lighting Professionals, the advertisement would be highly likely to draw motorists' attention which would cause a distraction close to the junction. The proposal would therefore result in a detrimental impact on highway safety.

13. I conclude that the proposed advertisement would unduly harm public safety for the reasons given above. In coming to my conclusion, I have taken into paragraphs 111 and 136 of the Framework in so far as they are material and conclude that the proposed advertisement would conflict with paragraph 136, in respect of its aim of protecting places from poorly sited advertisements and controlling advertisements in the interests of public safety.

Other Matters

14. The appellant states that the Highways Authority have not objected to the proposal, however, it does not automatically follow that a lack of objection indicates support for the proposal. The Council's case is clearly set out in the officer report and in any event the decision maker is not bound by consultee responses or lack thereof.
15. I have had regard to the fact that the proposal could be used to advertise local businesses and therefore have some economic benefits. This is, however, a scheme considered under the advertisement regulations. In any event, I cannot be certain that this is what the advertisement would be used for. Moreover, I cannot be certain that the proposal would replace any ad hoc advertisements in the area. This matter therefore carries limited weight.
16. My attention has been drawn to the Planning Practice Guidance (the PPG) which states that large poster hoardings should be permitted in commercial areas. However, factors relevant to amenity include the general characteristics of the locality and also need to be taken into account in coming to a view that the proposal would not have an adverse effect on the amenity of a locality.
17. I do not have precise details of examples cited by the appellant in their planning statement or indeed what consent they do or do not benefit from. The existence of other similar displays in other urban locations does not, in any event, equate to the acceptability of an advertisement hoarding in the location before me. Similar 48 sheet digital hoardings can be present on retail parks or adjacent to highways in towns and cities elsewhere in the country. This, however, does not persuade me that the proposal is appropriate for this location. None of these factors outweigh the harm that I have found in this case.

Conclusion

18. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity and public safety. Thus, the appeal is dismissed.

K L Robbie

INSPECTOR