

Appeal Decision

Site visit made on 27 September 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2023

Appeal Ref: APP/V4250/Z/23/3322899

Land at Atherleigh Way, North of junction with Leighbrook Way, Leigh, Wigan WN7 5AR

- 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 Vivid Outdoor Media Solutions (B) Limited against the decision of Wigan Council.
 - The application Ref A/22/94621/ADV, dated 20 October 2022, was refused by notice dated 12 May 2023.
 - The advertisement proposed is a freestanding 48-sheet sized digital LED advertising unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on amenity and on public safety.

Reasons

3. The proposal would result in a free standing digital advertising display set in the narrow tapering grass strip between this busy road and the supermarket carpark. The council have accepted a similar proposal for two such signs within the grass strip to the south, adjacent to a different supermarket parking area. Given the similarities, the approval weighs heavily in favour of accepting the principle of such adverts in this commercial environment.
 4. This advert would be very close to the totem sign that is located at the end of this short strip of grass verge. It would be viewed in association with both the totem and the main signage of the supermarket. This would represent an unacceptable level of advertising clutter in this limited area. The grass verge is short and tapers in width towards the junction. The display would appear relatively cramped within this small area and this would be emphasised by it being angled to avoid overhanging the carpark or pavement and its proximity of other signage.
 5. The approved signs would sit at the end of a much longer and more uniform section of verge. They would be set a significant distance from the totem signs located to the north and south. That supermarket signage is set at a higher level and further back from the road and as a result, the new signs would be
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- viewed in greater isolation from other signage. They would be dominant in views but their setting would appear less cramped and importantly, they would not result in a concentration of signs in a small area.
6. Overall, given the limited space and proximity of other signs, this proposal would result in a cramped, cluttered and concentrated area of signage. It would detract from the visual amenity of this area.
 7. With regard to safety, the signage is sufficiently beyond the junction to ensure that drivers would not be fully aware of it on the approach to the traffic lights from the south. Although a complex and busy junction, it is fully traffic light controlled for both vehicles and pedestrians. I have had regard to the accident data and the submissions made but this information does not persuade me that this additional signage, being the distance away that it is and given that it faces drivers that would be leaving the junction, would result in significantly increased levels of concerns with regard to safety.
 8. The proposal would be at odds with policy CP10(2) of the Wigan Local Plan Core Strategy 2013 as it would not be integrated effectively into its surroundings and it would not help to create an attractive place. Reference is made to the council's Advertisement Design Guide but I am unclear of its date or status. It does not add significantly to the adopted policy. In any event, the Regulations, the *National Planning Policy Framework* and the *Planning Practice Guidance* require that decisions be made only in the interests of amenity and public safety. The council's policies cannot therefore be decisive. I have however taken the Core Strategy policy into account as a material consideration.
 9. In conclusion, the proposal would not materially add to public safety concerns but it would result in harm to amenity. I have had regard to the commercial benefits of such signs and the other matters put forward in support of it. However, these do not outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR