



Appeal Decision

Site visit made on 2 August 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2023

Appeal Ref: APP/N4720/Z/23/3322830

Leeds Road, Wakefield, WF3 3BH

- 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 Leeds City Council.
 - The application Ref. 23/01439/ADV, dated 24 February 2023, was refused by notice dated 2 May 2023.
 - The advertisement proposed is Upgrade of existing 48 sheet advert to support digital poster and removal of 48 sheet advert.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) allow the control of advertisements to 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 reiterate this approach. In my determination of this appeal, relevant development plan policies have been a material consideration, but have not in themselves been decisive.

Main Issue

3. It is agreed between the parties that public safety is not an issue in this case. The main issue is the effect of the proposed advertisement on visual amenity.

Reasons

4. The appeal site is in an urban fringe location characterised by its verdant appearance arising from the substantial vegetation adjacent to, opposite, and on approaches to the site, and from its proximity to nearby countryside. The proposed digital poster would be situated towards the back edge of the highway behind a wide grassed verge on a shallow bend of this busy main road.
5. The proposal would be located in approximately the same position as one of a pair of existing traditional 48 sheet advertising hoardings, both of which would be removed as part of the scheme.
6. The existing pair of advertisement hoardings were not illuminated at the time of my visit and did not appear to have a functional means of illumination. While those existing hoardings may benefit from a deemed consent, they are significantly different to the proposal in that the nature of the proposed internal

illumination would result in the display of distinctly sharp and vivid images with a continual rotation of the display every 10 seconds. Such regular changes on a large brightly lit screen would be noticeably different to the existing static display boards at the appeal site even if levels and times of luminance were controlled as suggested by the appellant. Moreover, regular changes to the display would prevent any sense of the images being comfortably assimilated into the street scene.

7. The proposal would not result in an unacceptable amount of light or glare into the windows and habitable rooms of nearby properties. However, notwithstanding the positioning of various recycling receptacles in front of the site, and the proximity of the nearby bus shelter, the proposal would be readily visible to pedestrians and drivers approaching the site from either direction along the A61 Leeds Road. Due to its height, size, method of illumination and continual rotation of images the proposal would appear as a large, intrusive and alien feature when set against the prevailing backdrop of substantial mature vegetation, and this would be unduly visually harmful in this otherwise pleasant verdant setting. In this context, the height of the proposal relative to higher nearby building roof ridges, and the lack of any nearby heritage assets does not weigh significantly in its favour.
8. Notwithstanding the assertion that such digital displays are now commonplace across the country and having regard to the photographs of various example digital display boards elsewhere provided by the appellant, this does not justify their universal introduction. In this case, the proposal would introduce advertising features that would be uncharacteristic of, and visually harmful to the location. While there are advertisements displayed at the bus shelter in front of the appeal site these are much smaller in size, they bear no comparison to the proposal in respect of relative scale, and their presence nearby does not justify the introduction of a substantial, dominant, intrusive and visually harmful feature in this prominent location.
9. The appellant has drawn to my attention an appeal decision made on a proposal for a digital advertisement hoarding in a conservation area in Devon¹. However, I have not been provided with sufficient detail about the context, setting or appearance of the proposal in that case to allow any meaningful comparison to be made with the case before me. I recognise, from the information I have seen, that the case in Devon also involved the removal of one of a pair of traditional advertisement hoardings. However, whilst the removal of one of the traditional hoardings associated with the case before me, along with the removal of fencing, would be a benefit in respect of visual amenity, this would not outweigh the harm I have identified that would arise from the proposal.
10. The function of advertising is to draw attention, and the introduction of regularly changing brightly illuminated images would catch the eye, as is intended. However, the proposal would appear brash and intrusive in this location where illumination in the public realm is generally limited to street lighting necessary in the interests of public safety.
11. I therefore conclude that the proposed advertisement would be unduly harmful to visual amenity. I have taken into account the provisions of the development plan so far as they are material in respect of visual amenity. Policy P10 of the

¹ Appeal Ref. APP/X1118/Z/20/3265565

Leeds Local Plan Core Strategy (as amended by the Core Strategy selective review 2019) (September 2019), and saved Policies GP5, BD8, BD9 and BD12 of the Leeds Unitary Development Plan Review 2006 (July 2006) collectively seek to ensure that proposals avoid problems of environmental intrusion and loss of amenity, that signs are well designed and sensitively located, and that development respects and enhances existing landscapes, streets and spaces according to local distinctiveness and the wider setting of the place with the intention of contributing positively to place making. Accordingly, these policies are material in this case. Given that I have concluded that the proposal would harm visual amenity, it would conflict with these policies.

12. The appellant suggests that the proposal is compliant with Policy UD9 of the Development Policies. However, I have not been provided with any relevant extract or further explanation on this matter and therefore have not been able to take this into account in reaching my decision.

Other Matters

13. Digital advertisement hoardings may bring benefits in terms of opportunities for their use in public announcements and for non-commercial purposes. They result in economic and environmental savings in terms of vehicle journeys and material used in displaying traditional posters, and the materials proposed to be used in manufacturing the advertisement display would be hardwearing thereby leading to longevity and limited maintenance. Digital advertisement hoardings can lead to an increase in business rates associated with uplift in rents, modern means of illumination can be more efficient than traditional methods and, as in the case before me, illumination can use electricity generated from renewable resources. They may also stimulate and support commercial and economic activity, including in the local area. However, recognising that the Framework indicates that advertisements are subject to control only in the interests of amenity and public safety, taking account of cumulative impacts, these are not matters to which I can have regard.

Conclusion

14. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

David English

INSPECTOR