



Appeal Decision

Site visit made on 18 September 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/X3025/Z/23/3327451

Hill House Commercial Gate Mansfield NG18 1LN

- 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 ARM Capital against the decision of Mansfield District Council.
 - The application Ref 2023/0295/ADV dated 15 May 2023, was refused by notice dated 18 June 2023.
 - The advertisement proposed is Installation of a single digital billboard; internally illuminated with a level of 600cd/m2.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed digital billboard upon amenity including the effect upon the significance of heritage assets.

Reasons

3. Framework paragraph 136 makes clear that advertisements should be subject to control only in the interests of public safety and amenity. It is not contended, nor do I consider, that public safety is at issue in this matter. Planning Practice Guidance indicates that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
4. The proposed advertisement would comprise a large digital display 6m wide by 3m high, mounted some 3m above ground level. It would be mounted on pole supports adjacent to the eastern boundary of a car park attached to Hill House, a bland, mid-late twentieth century former government office building of five storeys which has been converted into a number of residential units. Although the appellant correctly states that the display does not fall within a Conservation Area or curtilage of a listed building, the display would be adjacent to the perimeter of the Nottingham Road Conservation Area (NRCA) against a backdrop of trees within the Heath Almshouses¹ communal garden which are at the northern edge of the NRCA.
5. The proposed display would sit above the level of the adjacent Conservation Area and be prominent in views from the north and west being directed at

¹ Which are grade II listed

- users of St Peters Way², a busy highway which separates the town centre from the NRCA and the intervening areas of non-designated land which includes the appeal site.
6. The appellant suggests that the trees at the rear of the Almshouses would prevent 'further views from within the CA' and correctly notes that the appeal site is not within the curtilage of a listed building or a Conservation Area. However this is to ignore the contribution made by the *setting* of designated heritage assets to their understanding and significance in terms of how those assets are experienced. I note that the small northern part of the NRCA which is closest to the appeal site contains the majority of the listed buildings that are within the whole conservation area including The Nottingham Road Methodist Church (The Church) and 'Challenge House' at the corner of Commercial Gate and Nottingham Road.
 7. The Nottingham Road Conservation Area Character Appraisal³ (CACA) identifies that glimpsed views of listed building(s) within the NRCA are available from the resident's car park where the display would be located and also identifies a number of negative views towards the northwest from within the NRCA, in particular towards Hill House. For these reasons and from my own observations as to how these heritage assets are experienced from within and outwith its boundary, I consider the proposed display would be within the setting of both the northern part of the NRCA and of the listed Church and Challenge House.
 8. The prominent spire of the Church and other buildings signify the existence of the NRCA in views from the north which are appreciated in an important gap between the north-east end of Hill House and the trees in the Heath Almshouses garden area which would form the backdrop to the proposed display. Even to the extent that outlook may now be limited by a recent screen fence added to the top of a stone wall along the back of pavement in St Peters Way, this gap provides wider opportunities for views which generate an appreciation of the area to the South and East of the town centre as being of a different character. The proposed digital billboard would be prominent in such views.
 9. I consider, and noting the comments appearing in the CACA⁴, that due to the modest scale of the buildings within the NRCA and its tightly-drawn perimeter surrounded by a range of development including open land or car parks, the significance of these designated heritage assets is vulnerable to development in their setting which fails to respect the overall character of the NRCA. Although the display would be directed at road users on St Peters Way, even if the proposed display were not prominent from within the NRCA or potentially only glimpsed, or visible only in winter from other parts, the insertion of a large, internally illuminated and frequently changing advertising image on the south-eastern side of St Peters Way in the location proposed would, nevertheless, represent an expansion of retail presence into the setting of the NRCA, intruding harmfully upon (the remains of) a 'quiet leafy location'⁵ populated by buildings which largely date from the late Victorian period.
 10. I therefore conclude the proposal would conflict with Policies S4 (d) and P8 of the Mansfield District Local Plan 2020 which together seek to ensure heritage

² Including users emerging from the nearby retail park

³ Adopted by Mansfield District Council March 2013; Figure 11 relates

⁴ Including those at paragraph 5.3

⁵ Para 5.3 of the CACA

assets and their setting are enhanced by regeneration and signage proposals. I have also concluded that the result of the proposals would be unjustified harm to amenity in conflict with paragraph 136 of the Framework. Although not proffered by the appellant, I have also considered whether the proposal could be made acceptable in planning terms by the application of conditions. However, even if conditions were applied to control the nature of advertisements, illumination and frequency of change⁶, this would not reduce the harm I have identified and, consequently, taking all matters raised into account, the appeal must fail.

Andrew Boughton

INSPECTOR

⁶ The 'standard conditions' and those relating to digital advertising displays