



Appeal Decision

Site visit made on 16 October 2023 by Andreea Spataru BA (Hons) MA MRTPI

Decision by S. Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal Ref: APP/P4415/Z/23/3323813

Land on the south side of Taylors Lane, Rotherham S62 6NU

- 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 Estates Limited against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2023/0270, dated 15 February 2023, was refused by notice dated 20 April 2023.
 - The advertisement proposed is described as "erection of a freestanding D-Poster advertising display".
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matter

3. The Council has drawn my attention to Policy SP60 of the Rotherham Local Plan (LP), which is considered relevant to this appeal, and I have taken it into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance reiterates this approach. Therefore, in my determination of this appeal, the Council's policy has not, in itself, been decisive.

Main Issue

4. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

5. The appeal site relates to a piece of land located next to buildings that face Rotherham Road, close to the Parkgate Roundabout. This part of the street scene includes commercial and industrial buildings set back from the road, verges of grass on both side of the road, trees next to the appeal site and a large hedgerow on the opposite side of Rotherham Road. The siting of buildings

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

in relation to each other, as well as the road, together with the greenery contribute to the open and verdant character of this part of the street scene.

6. The proposed advertisement would be large in size, with the LED screen itself measuring 6m in width and 3m in height. It would have an elevated position, approximately 1.3m from the ground and above the existing brick wall. It would be located between trees and a two-storey building, would face Rotherham Road, and it would display multiple static advertisements on rotation.
7. Whilst the advertisement would not exceed the height of the two-storey building, due to its size, elevated position, illumination, and location next to the foliage, the advertisement would appear as a highly prominent and incongruous feature within the street scene. I acknowledge that these types of advertisements are commonplace in many streetscapes in the UK, such as those the appellant has drawn my attention to. However, despite the commercial and industrial nature of the area and the existing street lighting, the advertisement would dominate its immediate surroundings and would be detrimental to the visual amenity of the area.
8. I note the approved developments located in proximity of the appeal site. Whilst I do not have full details of these cases, I find that the site-specific circumstances of the appeal site dictate the context for the development. Furthermore, I do not consider the proposal directly comparable with the existing signs within the area, as those are generally related to the use of the premises on which they are sited.
9. I have considered the appellant's intention regarding landscaping, as well as the appellant's suggested conditions, including the proposed limit for the luminance level and a minimum time for an image to be displayed. However, these would not be sufficient to mitigate the overall harm that I have identified above, which is caused, only partially, by the illumination and nature of the display. Therefore, the proposed advertisement would cause harm to the visual amenity of the area and would not accord with the aims of LP Policy SP60.

Other matters

10. I note that apart from the concerns over the visual amenity of the area, there have not been other issues raised. However, this is a neutral matter rather than one that carry positive weight for the development.
11. Whilst I acknowledge the environmental, social, and economic benefits outlined by the appellant regarding digital advertisements, including the overall reduction of panels nationwide, they do not outweigh the harm to the visual amenity of the locality that I have identified.

Recommendation

12. For the reasons given above and with regard to all other matters raised, I recommend that the appeal is dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR