



Appeal Decision

Site visit made on 3 January 2023

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal Ref: APP/V4250/Z/23/3331287

19 Castle Hill Road, Hindley, Wigan WN2 4BJ

- 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 Ltd, against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/23/95938/ADV, dated 21 July 2023, was refused by notice dated 20 September 2023.
 - The advertisement proposed is described as an '*upgrade to digital display*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The local planning authority (LPA) has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive. In this regard, the Council has referred to its Advertisement Design Guide, but as I am unclear as to its date or planning status, despite unanswered requests to the LPA for clarification, I can afford it only limited weight.
3. The LPA makes no objection to the proposal on grounds of public safety. I have no reason to disagree.
4. A revision to the National Planning Policy Framework 2023 (the Framework) was published on 19 December 2023. The amendments made did not have a bearing upon the issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

Main Issue

5. The main issue is the effect of the proposed advertisement upon the visual amenity of the area.

Reasons

6. The appeal site, as existing, is a large, fixed 48 sheet advertisement attached to the gable end of a dwelling house which faces oncoming drivers and others when approaching down Castle Hill Road. The LPA asserts that the existing advertisement has no advertisement approval and that it would have objected to it had an application been submitted, while the appellant considers that it is lawful through the passage of time. However, notwithstanding its status, it is a static, advertisement board and this limits, to some degree, its visual impact.
7. The area is a mix of open spaces, brick built, two-storey, terraced dwelling houses facing directly onto the highway, and other buildings including some commercial properties. Other existing advertisement signage is generally to publicise existing businesses operating from associated premises and are generally small in scale, not internally lit and discrete. Overall, the immediate area is one characterised by an orderly roadside appearance and lacking in visual clutter or additions to the existing buildings and open spaces along it. This adds positively and distinctly to the amenity of the area.
8. In contrast, the proposal is to replace the existing static advertisement board by a digital display of comparable size which would be lit, and where up to 6 different advertisements could be displayed at the same time, and where such images could change every 10 seconds. The advertisement would be much more prominent in the street scene and the changing images would introduce jarring and visually unsympathetic additions within the street-scene.
9. I accept that the degree of luminosity could be controlled by condition. However, even with any such condition, the proposed development, by its illumination and the multiple display of different and frequently changing advertisements, would introduce a discordant element into a predominantly muted environment of open spaces and dwellings and other commercial establishments. In so doing, it would be visually detrimental to the amenity of the area.
10. The appellant has referred to other appeal decisions, both within the Borough and further afield. However, I cannot be sure that the circumstances are identical to those applicable to the current appeal. In any event, I have determined the appeal upon the individual circumstances relating to its particular location.
11. Therefore, I conclude that the proposed development would have an adverse impact upon the amenity of the area, contrary to policy CP10 of the Wigan Core Strategy 2013 which emphasises the need for good design to create attractive places, and contrary to paragraph 141 of the Framework which notes that the quality and character of places can suffer when advertisements are poorly sited.

Other Matters

12. The appellant highlights the benefits of the proposed digital display over the existing advertisement board, including amongst other things, a reduction in trips to update the current display, a reduction in waste and the facility to

broadcast emergency messaging. These are matters which weigh in favour of the proposal. However, these are not all matters concerning the amenity of the area and upon which the appeal decision must be determined. Even if they were all to be regarded as such, they are not of sufficient weight to overcome the harm which I have found to the main issue.

Conclusion

13. For the above reasons, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR