



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: 17.01.2024

Appeal Ref: APP/V4250/Z/23/3332658

Parsonage Retail Park, Atherleigh Way, Leigh, Wigan WN7 5SJ

- 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 Ltd, against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/23/95939/ADV, dated 21 July 2023, was refused by notice dated 20 September 2023.
 - The advertisement proposed is for the erection of a 2 no. new digital poster 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. 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.
4. The application forms refer to the appeal proposal being located on Parsonage Way, whereas the appeal forms and the Council's decision notice refer to it being on Leighbrook Way. However, the submitted site location plan shows it to be located on Atherleigh Way. I have used the latter address in the banner.

Main Issues

5. The main issues are the effect of the proposed advertisement upon (i) the amenity of the area and (ii) public safety.

Reasons

Amenity

6. The proposal is for a V-shaped, free-standing, illuminated, digital advertisement consisting of two panels. The advertisements would display static images, but these would change in rotation. The displays would be about 6 metres wide by 3 metres high with a depth of 0.25 metres and would be 2.5 metres above the ground. One panel would be visible to drivers and others travelling in one direction along Atherleigh Way and the other would be visible to such persons travelling in the opposite direction.
7. The proposal would be located on a linear grass strip bordering Atherleigh Way and its adjoining footpath and the Sainsbury supermarket. The area is a mix of commercial and retail uses. There are several large signs nearby, including a substantial 'Sainsbury's' roof sign and to the north, an illuminated, free standing, panel advertisement on poles close to the appeal site and within the same linear grassed strip.
8. The Council has accepted a similar proposal for two such signs to the south and near the appeal site¹, though the appellant states that the approved development will not be implemented. While I afford the approval moderate weight in the decision-making process, I have no other information before me as to why the approval might not be implemented. Furthermore, my attention has been drawn to a recent appeal² decision for a digital display to the north of the current appeal advertisement, dismissed on grounds of amenity.
9. In addition, the appellant has referred to an approval to replace 4 no. existing billboards with 2 no. free standing digital displays to the south of the existing appeal site on the opposite side of Atherleigh Way.³
10. The proposed advertisements would be close to a totemic panel sign that is located at the end of the linear grass strip, as well as to the site of the approved signage referred to in paragraph 6. It would also be viewed in association with the main signage of the supermarket. Overall, the proposal would lead to an adverse accumulation of concentrated advertisements along a limited stretch of the highway to the significant detriment to its current appearance. I would compete and detract from the elevation of the adjoining supermarket, and the appearance of the orderly nature of the grassed strip which includes some tree planting.
11. The appellant has referred to other digital displays and considers that these lead to an improved amenity when compared to paper-based signage. However, I have limited information as to the context in which such examples are based, and in any event, I have determined the appeal based upon its individual merits.
12. The appellant also outlines the advantages of digital displays when compared to paper-based advertisements. However, even if such matters were to refer to

¹ A/19/88332/ADV

² APP/V4250/Z/23/3322899

³ A/23/95786/ADV

amenity considerations, they are not sufficiently weighty to outweigh my overall conclusion with regard to the adverse impact upon amenity.

13. Therefore, I conclude that the proposed development would be contrary to policy CP10 of the Wigan Core Strategy (2013) (CS) which emphasises the need for good design and to create attractive places, and with paragraph 141 of the Framework which states that the quality and character of places can suffer when advertisements are poorly sited.

Public Safety,

14. The advertisement would be positioned on a straight stretch of road where drivers, when travelling northwards, would already be alert to the fact that a junction is in the near distance. In this respect, motorists would be driving with care and attention. Given the position of the proposed sign facing them it would not be necessary for drivers to have to look away from the road to see the advertisement.
15. Drivers travelling south would have to look across the road to see the advertisement board, but at this point the road is relatively free from junctions and with fewer possible distractions, such that I consider that there would be no significant, additional, adverse impact upon public safety.
16. I have taken into account that there have been some recorded accidents in this area, though I have no knowledge as to their causes or whether or not they are pertinent to the proposal.
17. Therefore, owing to these factors, I do not find that the advertisements would represent a distraction to those motorists passing in both directions.
18. Consequently, I do not agree with the views expressed by the Highway Authority. In my judgement, the advertisements would not lead to unacceptable harm being caused to highway safety.
19. For the above reasons, I conclude that the proposal would neither conflict with the highway safety requirements of policy CP7 of the CS which, amongst other things, aims to maximise the safety of the road network, nor with policy A1N of the saved Wigan Unitary Development Plan (2006) which aims to safeguard the strategic route network in the Borough. It would accord with paragraph 108 of the Framework which requires the potential impacts of development on transport networks to be addressed.

Conclusion

20. While I have found that the proposed advertisement would not have a detrimental effect upon public safety, I have concluded that it would have a significantly detrimental impact upon amenity. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR