
Appeal Decision

Site visit made on 8 January 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2024

Appeal Ref: APP/N4720/Z/23/3329888

34a Elland Road, Churwell, Leeds LS27 7SS

- 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 23/03936/ADV, dated 23 June 2023, was refused by notice dated 18 August 2023.
 - The advertisement proposed is installation of a digital advertising display.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the advertisement on the visual amenity of the area and public safety.

Reasons

3. I note that the evidence indicates that an externally illuminated paper and paste advertising display has been in place at the appeal site for many years although no advertisement was present at the time of my site visit. Nonetheless, the principle of advertisement in this location does appear to have been established over the years.

Visual Amenity

4. Land levels slope markedly downwards from south-west to north-east along this part of Elland Road. The war memorial garden is located across Old Road on the same north-western side of Elland Road as the appeal site.
5. Given those sloping land levels, the war memorial garden, which is built level from the higher point on Elland Road sits at a similar height to the location of the proposed advertisement on its north-eastern side meaning that the advertisement would be a highly prominent feature in views from within the garden.
6. The war memorial garden is well maintained, including shrubs and other planting beds and includes elements paying tribute to those who have lost their lives during both the first and second world wars. It includes multiple benches and is designed as a place where one can sit and spend time.
7. Whilst I note previous illuminated adverts have been placed at the site, digital advertising displays are prominent, modern advertisements. That which would be

placed here would be more visually prominent than the previous paper and paste advertisement.

8. The digital advertising display would form a rather intrusive and incongruous feature within this very particular location and would jar with the visual setting of the garden intended as a place of memorial. It would be harmful to the visual amenity of the area for those visiting the war memorial garden. The proposal would cause significant harm to the visual amenity of the area.

Public Safety

9. I note that there are a number of priority junctions within the vicinity of the site of the advertisement, that Elland Road is reasonably busy and that there are likely to be pedestrian movements across the road to access nearby services and facilities.
10. However, there is no evidence to indicate that the mere presence of the digital advertising display at a location where illuminated advertisements have previously been hosted would have any significant adverse impact on the safe operation of the highway and therefore public safety.

Other Matters

11. I note the environmental, economic and social benefits associated with the upgrade to a digital advertisement that have been put before me. These do not however outweigh the harm identified.
12. I note that various conditions could be added to limit the impact of the advertisement including but not limited to those relating to a curfew and brightness level. The addition of such conditions would not however resolve the harm identified.
13. Although other appeal and Council decisions have been drawn to my attention, there is nothing to suggest that the circumstances within those cases compare directly to those before me. They are therefore afforded limited weight. Any concern relating to the Councils handling of the matter is solely between the main parties.
14. Existing advertising in the immediate area is fairly low-key and does not provide justification for the proposal before me.
15. The Council has cited policies P10 of the Leeds Core Strategy (2019) and saved policies GP5 and BD8 of the Leeds Unitary Development Plan Review (2006) along with the Leeds Advertising Design Guide Supplementary Planning Document (2006). The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies to the extent that they have been put before me into account, they have not been a decisive consideration in my determination of this appeal.

Conclusion

16. The digital advertising display would cause significant harm to the visual amenity of the area. Accordingly, I conclude that the appeal should be dismissed.

T Burnham

INSPECTOR