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# Appeal Decision

Site visit made on 15 January 2024

**by L Wilson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> January 2024**

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**Appeal Ref: APP/A4710/Z/23/3330193**

**Land adjacent to Huddersfield Road, Calderdale**

**Grid Reference Easting 409655, Grid Reference Northing 422283**

- 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 Calderdale Metropolitan Borough Council.
  - The application Ref 23/10009/ADV, dated 12 May 2023, was refused by notice dated 10 August 2023.
  - The advertisement proposed is replacement of 1x existing 48 sheet poster board with a digital advertising screen (D-Poster).
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## Decision

1. The appeal is allowed and express consent is granted for the display of advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
  - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candela/m<sup>2</sup> during hours of darkness.
  - 2) The minimum display time for each advertisement shall be 10 seconds and the screen display shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement. The display shall include a mechanism to freeze the image in the event of a malfunction. The screen display shall not contain moving images, animation, intermittent, video or full motion images, or any images that resemble road signs, traffic lights or traffic signs. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels. The light sensor shall remain operational for the lifetime of the advert.

## Preliminary Matters

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. In relation to this appeal the relevant parts of the Framework are similar. Consequently, I have not gone back to the parties for comments. Whilst I have had regard to the Framework in reaching my decision, no party would be prejudiced or caused any injustice by me taking this approach.

## **Main Issues**

3. The main issues are the effect of the proposed advertisement on:

- The amenity of the surrounding area; and
- Public safety.

## **Reasons**

### *Amenity*

4. The Planning Practice Guidance (PPG) advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements in an industrial or commercial area of a major city, where there are large buildings and main highways, and where the advertisement would not adversely affect visual amenity<sup>1</sup>.
5. The proposal seeks to replace an existing sheet poster board with a digital advertising screen. The location, orientation and size of the proposal would be similar to the existing advertisement hoarding, albeit the proposed billboard would be slightly repositioned further away from the existing road signage.
6. The appeal site is adjacent to a main highway, within a well-lit area. Within the wider area are a mix of uses. There are no other advertisements visible from the appeal site but there are examples within a short distance.
7. The introduction of a digital advertisement with changing images would increase the prominence of the display compared to the existing site arrangements. However, an advertisement in this location already forms part of the visual amenity of the area and has done for many years. Planning conditions could ensure that the intensity of the illumination is appropriate for the location and to control the display of advertisements. The conditions would also ensure that the proposed advertisement would not be significantly more prominent than the existing display. Consequently, taking into account the local characteristics of the area, existing advertisement and subject to conditions, the proposal would not form a discordant or intrusive feature in the street scene.
8. For the reasons given above, the proposal would not have an unacceptable impact on the amenity of the surrounding area. In accordance with the Regulations, the provisions of the development plan, so far as they are material, have been considered. Since the proposed advertisement would not have an unacceptable impact upon the amenity of the area, the scheme would meet with the aims of Policy BT1 of the Calderdale Local Plan (2023) (LP), and paragraph 141 of the Framework.

### *Public Safety*

9. The PPG states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be

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<sup>1</sup> Paragraph: 079 Reference ID: 18b-079-20140306

- road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline<sup>2</sup>.
10. The appeal site is located close to the A629/ A6026 signal-controlled junction. The junction is currently being amended as part of an improvement scheme. There is a pedestrian and cycle crossing at this junction, and the highway is well lit.
  11. The existing advertisement is an established feature at this junction. The proposed advertisement would replace a static display and would be more noticeable, particularly during hours of darkness. As already stated, planning conditions could ensure that the intensity of the illumination is appropriate for the location and to control the display of advertisements.
  12. Taking into account the existing advertisement, characteristics of the area, speed limit of the road, siting of the advertisement relative to the junction, the upgraded highway layout and subject to conditions, I am satisfied that the proposal would not result in a significant risk in drivers failing to perceive the correct signal when approaching the junction (even when there is a changeover of advertisement image) or failing to concentrate on the crossing and any pedestrians or cyclists. There is no robust evidence to demonstrate that the replacement advertisement would harmfully increase the risk to road users or result in undue distraction to drivers of motor vehicles to justify dismissing the appeal.
  13. For the reasons given above, based on the information before me, the proposed display would not have an unacceptable impact upon public safety. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would not have an unacceptable impact upon public safety, the scheme would meet with the aims of Policy BT1 of the LP, and paragraph 141 of the Framework.

### **Other Matters**

14. The appellant has stated that there are Grade II listed buildings in proximity to the appeal site. These are not referred to in the officer's report and the Council has indicated that the proposal would not affect the setting of a listed building. The proposal would not unduly interrupt views of the listed buildings, nor would it have any notable impact on how the heritage assets are experienced. This is due to the distance between the appeal site and the listed buildings, as well as the intervening highway, topography of the land and the proposal replaces an existing advertisement. As such, I am satisfied that the development would have a neutral effect on the heritage assets and would preserve the special interest of the listed buildings.
15. The appeal site is located within the Green Belt. Advertisements are subject to control only in the interests of amenity and public safety. Consequently, issues relating to 'inappropriateness', 'other considerations' and 'very special circumstances' do not apply. As a result, development plan and Framework policies dealing with these matters are not relevant to my decision.

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<sup>2</sup> Paragraph: 067 Reference ID: 18b-067-20140306

## **Conditions**

16. The Council has not suggested any additional conditions to those set out in the Regulations. I have considered the conditions suggested by the appellant, and in light of guidance found in the PPG, where necessary the wording has been amended for clarity and precision.
17. In addition to the five standard conditions set out in the Regulations, in the interest of public safety and amenity, I have imposed conditions controlling the illumination, display of advertisements, sequencing and length of displays, as well as requiring the display to freeze in the event of any malfunction. The level of luminance would be limited to 300 candela/m<sup>2</sup> during hours of darkness and would comply with the 'Professional Lighting Guide 05 Brightness of Illuminated Advertisements' by the Institute of Lighting Professionals.

## **Conclusion**

18. For the reasons given above, the appeal succeeds.

*L Wilson*

INSPECTOR