



Appeal Decision

Site visit made on 25 June 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2024

Appeal Ref: APP/B3410/Z/24/3340828

**Land at Town Meadows Way, Near Retail Park Entrance, Uttoxeter
ST14 8AU**

- 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 Vivid Outdoor Media Solutions (B) Limited (Mr Warren Milroy) against the decision of East Staffordshire Borough Council.
 - The application Ref P/2023/01291, dated 22 November 2023, was refused by notice dated 29 January 2024.
 - The advertisement proposed is the erection and display of a single freestanding 6 x 3 metre LED display unit.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Under the above Regulations powers to control advertisements are to be exercised in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material and any other relevant factors. The national Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach, with the Framework adding that cumulative impacts can be taken into account.
3. The Council have not raised public safety as an issue and I have no reason to question that, so therefore it will not be taken into consideration in my deliberations.

Main Issue

4. The main issue is the effect of the proposed advertisement display upon the amenity of the site and its surroundings.

Reasons

5. The appeal site is a grassed area adjacent a busy highway, in an area that is predominately commercial in nature, but there are some residential premises in the vicinity.
6. The proposed advert is 6m x 3m (48 sheet size) and would be mounted on a supporting structure, it is internally illuminated and displays static imagery, that can change every 10 seconds.
7. The appeal proposal would be in a prominent position, close to a junction where road users and pedestrians could be stood for periods of time. The

- proposal would dominate the surrounding area both in size and height. There are other advertisements in the locality, but these are generally smaller and relate in some way to the premises that they are advertising.
8. The sign would be visible for some distance along the road and I feel that it would be visually intrusive, even in an area with a number of other advertisements, adding to the overall feel of clutter in the locality. The sequential advertisement in such a prominent location close to the retail park frontage would distract to a greater degree than the surrounding advertisements and dominate the immediate locality, being particularly discordant during the hours of darkness, despite the illumination level being reduced.
 9. Digital advertising is by nature and purpose more visually strident than a more traditionally illuminated hoarding. Regardless of the setting of the sequential display and the absence of special effects, the proposal would harm the visual amenity of the area. The attention that would be drawn to the advertisement would make it more apparent. Whilst the nearby advertisements do not make a positive contribution to the amenity of the area, this does not provide justification for granting consent for a harmful advertisement.
 10. In this location, the digital illuminated sequential display would be a discordant and unduly prominent feature. The type and design of the advertisement would be visually harmful to the locality.
 11. I note from the evidence of the appellant that the advert display is within best practice guidance in terms of brightness and that the advert transition is virtually instant, but I find that the illuminated advert would be incongruous in the locality and stand out from the other advertisements on this section of highway and dominate the locality. The impact would be further exacerbated by the nature of the advertisement and its intermittent changes, which would stand out and increase its prominence within the locality and cause harm to the amenity of the area.
 12. As a result, I find that the sign would be poorly located, having a negative impact on the area. I have noted the comments of the appellant in relation to the location of other LED advertisements and previous approvals at appeal for other developments, but I have assessed this appeal on its own merits, and I do not have full details of those schemes, nor the specific locational characteristics in relation to the appeal site. In conclusion on this issue, the proposed advertisement would be even more dominant and would have a greater impact on the street scene than that which presently exists.
 13. For the reasons set out, the proposal, by reason of its size, changing images and illumination, along with its elevated position and prominent location, would be dominant and overbearing within the street scene. As such the proposal would harm the amenity of the surrounding area. In that respect the proposal is contrary to policies DP9, SP25 and DP5 of the East Staffordshire Local Plan (2015), as well as the Town and Country Planning (Control of Advertisements) Regulations 2007 and the advertisement and amenity aims of the Framework, which when taken as a whole, amongst other matters, expect advertisements to be well located and not stand out as inappropriate or unduly prominent.

Conclusion

14. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate I should take a different decision other than in accordance with this.
15. For the reasons outlined above, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR