



Appeal Decision

Site visit made on 12 September 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2024

Appeal Ref: APP/J4423/Z/24/3345507

Bus shelter opposite 560 Retford Road, Sheffield S13 9WF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Kevin Oldland of Alight Media Ltd against the decision of Sheffield City Council.
 - The application Ref is 24/01034/HOARD.
 - The advertisement proposed is a double sided digital 6 sheet advertising panel.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The advertising panel would be sited within one end of a replacement bus shelter. The shelter itself could be erected through permitted development rights. For the avoidance of doubt, my determination is based only on the effect of the advertisement.

Main Issue

3. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

4. The site comprises a relatively simple, clear glazed panelled bus shelter structure, with no existing advertisement incorporated. It lies on the northern side of Retford Road, a strategic traffic route into the City Centre lined with dwellings.
5. The shelter is located within a verge in front of a long extent of tall trees, plus dense lower level hedging stretches to its east, and with tall trees also to the west on the opposite side of Retford Road. Views in both directions are therefore framed by these trees, which substantially mask the dwellings. The overall impression is a strongly verdant character, providing a pleasant setting to the domestic scale of the suburban dwellings.
6. The display of 6 sheet poster advertising within one end of a bus shelter is a well-established urban feature. LCD digital panels are increasingly common, as the backlit paper format is a dated form of technology which is being superseded across the outdoor advertising industry.

7. However, although the existing shelter is utilitarian, it is also relatively unobtrusive and blends into the streetscene. There are no advertisements within the vicinity. As such, the proposed advertisement would in contrast be conspicuous, isolated, and unduly prominent against the greenery. It would add undue colour and form into the street scene, and so would not be viewed as an incidental part of the new shelter structure.
8. This overall prominence of the advertisement would be further heightened because of its illumination and changing images, particularly during hours of low natural light or darkness. Conditions could restrict maximum brightness, moving content, and frequency of image change, and that the proposed illumination appears in line with the Institute of Lighting Professionals' guidance. However, the undue attention created by the advertisement would not be mitigated, and thus harm would be caused to the area's visual amenity.
9. In accordance with the Advertisement Regulations, I have taken into account the provisions of the development plan so far as they are relevant to visual amenity. Policy BE13 of the Sheffield Unitary Development Plan requires advertisements to not harm the character or appearance of the area, and to relate in scale and design to their surroundings. Paragraph 135 of the National Planning Policy Framework ('the Framework') (2023) requires developments to add to the overall quality of the area, and be sympathetic to local character including the surrounding built environment and landscape setting. Given that I have concluded that the proposal would harm visual amenity, the proposal conflicts with Policy BE13 and with the Framework.

Other Matters

10. The Council has not highlighted any potential harmful impact to public safety, and I make the same conclusion.
11. The appellant identifies that 6-sheet poster advertisements have been incorporated within this bus shelter since the 1990s. Photographs show a double sided internally backlit advertisement panel consented in 2009, which was removed in 2020. This would therefore not be an entirely new advertising location, a material consideration in favour of the proposal. However, the site has contained no advertisement for 4 years, and the internal illumination of a digital display would have a more prominent effect compared to backlit paper versions, even with the same level of illumination. A lack of objections does not indicate a lack of harm. I therefore give this previous precedent only limited weight in favour such that it does not outweigh the harm.
12. The appellant considers that the improved bus shelter would improve the attractiveness of public transport, with the advertisement bringing economic benefits by funding the shelter at no cost to the public purse. Wider public benefits would also include the ability to display urgent public messaging, and this form of advertising being more sustainable due to reduced vehicle trips and paper use. Outdoor advertising is also stated to be vital to employment and commerce as a commercial activity, and as a service to the public and local businesses. The digital form is suggested to be more in keeping with the image of a major city.
13. However, the Regulations state that advertisements should be subject to control only in the interests of amenity and public safety, taking into account the provisions of the development plan in so far as they are material, and any

other relevant factors. Alongside the Framework paragraph 141 and the Planning Practice Guidance, there is therefore no indication that any of these suggested benefits can be taken into account.

Conclusion

14. For the reasons given above I conclude that the double sided digital 6 sheet advertising panel would be detrimental to the interests of visual amenity, and therefore the appeal is dismissed.

L N Hughes

Inspector