



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/24/3345584

Bus shelter Prince of Wales Road, adjacent to Fairleigh, Sheffield S2 1HJ

- 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 24/01029/HOARD.
 - The advertisement proposed is a double sided digital 6 sheet advertising panel.
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Appeal B Ref: APP/J4423/Z/24/3345586

Bus shelter Prince of Wales Road, near junction with Skipsea Road, Sheffield S2 1EU

- 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 24/01022/HOARD.
 - The advertisement proposed is a double sided digital 6 sheet advertising panel.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. These appeals concern 2 bus shelters on opposite sides of the road. Both appeals had the same reason for refusal. I have dealt with each on its own individual merits, although to avoid duplication I have primarily dealt with aspects together in my reasoning.
4. The appellant's grounds of appeal for each site incorrectly relates to the opposite side shelter. However, essentially the same arguments were presented for both sites, and both documents were available to any interested parties by looking against the opposite site's reference. I therefore find that in accordance with the substantive and procedural tests in the Holborn Studios Ltd 2017 judgement, no parties would be prejudiced in the interests of natural justice.

5. For Appeal A, the address stated on the application form is '27 Prince of Wales Road'. The decision notice and appeal form address cite 'Bus Shelter, Prince of Wales Road, adjacent to Fairleigh'. For best clarity I have used this address.
6. For Appeal B, the address stated on the application form is '24 Prince of Wales Road'. The decision notice and appeal form address cite 'Shelter Opposite Fairleigh, Prince of Wales Road'. In order to differentiate the 2 sites, I have used 'Bus shelter Prince of Wales Road, near junction with Skipsea Road.'

Main Issue

7. The main issue for both appeals is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

8. The 2 appeal sites lie to either side of Prince of Wales Road. They comprise simple, clear glazed panelled bus shelter structures, which do not incorporate any existing advertisements. The proposal for each site is for the display of a 6 sheet sized advertising panel within one end of a replacement bus shelter. The shelters themselves could be erected through permitted development rights. For the avoidance of doubt, my determination is based only on the effect of the advertising panels.
9. The Prince of Wales Road is a strategic dual carriageway plus cycle lanes, incorporating a wide grassed central verge also allowing for turning lanes and pedestrian crossings. The surrounding streets comprise comprehensively planned dwellings in a layout of circles and nodes, with clearly evident networks of greenspace and green verges. The appeal sites are located in one of these nodes, where the Prince of Wales Road bisects a larger landscaped circle, including pedestrian routes through to reach the bus shelters and crossing. The area has a clear domestic character, and a wide sense of openness.
10. As such, the advertisements would represent overtly commercial additions to this domestic character and green streetscape. They would attract undue prominence set against this flat expanse of greenery. This impact would not be sufficiently mitigated by their incorporation as a feature of the bus shelters. Notwithstanding the highway infrastructure, and the telecommunications mast and utility cabinets adjacent to the Appeal A site, additional bulky massing would be created within this streetscene.
11. This overall prominence would be particularly heightened due to the advertisements' illumination and changing images, particularly during hours of low natural light or darkness. This would be very apparent at their isolated position, despite end of bus shelter advertising being generally commonplace over the past few decades, and with LCD digital panels being increasingly so as the most up to date technology. The suggested conditions for restrictions on the transition of images, and on illumination levels, could not sufficiently mitigate this.
12. Overall, the proposed advertising panels would have a harmful effect on the visual amenity of the area, both individually and cumulatively. 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 UDP requires advertisements to not harm the character or appearance of the area, and to relate in scale and design to their surroundings.

13. 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. Paragraph 141 identifies that the quality and character of places can suffer when advertisements are poorly sited and designed. Given that I have concluded that the proposals would harm visual amenity, they conflict with the UDP Policy BE13, and with the Framework.

Other Matters

14. The Council has not highlighted any potential harmful impact to public safety, and I make the same conclusion.
15. The shelters previously incorporated backlit 6-sheet paper poster advertising. This was consented in 1995, and removed following the contract end in 2020. The appeal sites would therefore not be entirely new advertising locations, a material consideration in favour. However, they have contained no advertisement for approximately 4 years, and the internal illumination of a digital display would have a somewhat 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.
16. The appellant suggests benefits of improved attractiveness of public transport, bus shelter funding and maintenance at no public cost, business rate income, display of urgent messaging or local event promotion, and better sustainability from reduced vehicle trips and use of posters. Outdoor advertising is also identified as vital to employment and commerce as a commercial activity and a service, with digital advertising forms more benefiting the image of a major city.
17. 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 and the Planning Practice Guidance, there is therefore no indication that any of these suggested benefits can be taken into account.

Conclusion

18. For the reasons given above, I conclude that the double sided digital 6 sheet advertising panels would be detrimental to the interests of visual amenity, and therefore both Appeal A and Appeal B are dismissed.

L N Hughes

Inspector