



Appeal Decision

Site visit made on 25 September 2024 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2024

Appeal Ref: APP/R1038/Z/24/3348010

TTS Car Sales, Derby Road, New Tupton, Derbyshire S42 6JX

- 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 Mr Stuart Hadley (TTS Car Sales Ltd) against the decision of North East Derbyshire District Council.
 - The application reference is 24/00295/AD.
 - The advertisement proposed is described as "installation of 1 x 48 sheet freestanding led illuminated advertising display panel, measuring 6.4m wide x 3.4m high and comprising pressed metal frame with sealed led screen".
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matters

3. The Council has drawn my attention to Policies SS9 and SDC3 of the North East Derbyshire Local Plan 2014-2034 (LP), which are considered relevant to this appeal, and I have taken them into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance reiterates this approach. Therefore, in my determination of this appeal, the Council's policies have not, in themselves, been decisive.
4. The appellant has submitted a response to one of the representations received during the application process, which showed a reduced overall height for the proposed advertisement. However, the original scheme has not been formally amended. In the interests of certainty, my consideration of this appeal was based on the original plans submitted.

Main Issue

5. The main issue is the effect of the proposal on the visual amenity of the area.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Reasons for the Recommendation

6. The appeal site is located on the eastern side of Derby Road, next to the northern boundary of an existing commercial premises. There are trees immediately to the north of the site, followed by the premises of a car wash facility. The open countryside, which is directly opposite the appeal site, on the western side of Derby Road, is designated in the Derbyshire Landscape Character Assessment as a secondary Area of Multiple Environmental Sensitivity (AMES). Residential dwellings are located some distance away, to the south and east of the appeal site.
7. The single storey commercial building on site is set back from the road, there are verges of grass on both sides of the road, and trees next to the appeal site and opposite it. The single storey nature of the building, its siting in relation to the road, together with the greenery contribute to the open and verdant character of this part of the street scene.
8. The proposed advertisement would be large in size, with the digital display itself measuring 6m in width and 3m in height. It would have an elevated position, approximately 2.7m from the ground. It would be a single sided unit that would be visible when travelling north on Derby Road, and it would display multiple static advertisements on rotation.
9. Due to its size, elevated position, illumination, and location within the semi-rural area, the advertisement would appear as a highly prominent and incongruous feature within the street scene. The background of trees would not be sufficient to soften the appearance of the proposal. I acknowledge that these types of advertisements are commonplace in many streetscapes in the UK. However, despite the commercial nature of the appeal site and the existing street lighting, the advertisement would dominate its immediate surroundings and would be detrimental to the visual amenity of the area.
10. The appellant has drawn my attention to several other advertisements, including an appeal decision². Whilst I do not have full details of these cases, I note, from the photographs provided, that the proposal is not directly comparable with them, particularly due to the difference in the immediate surroundings. The photographs of the other schemes show taller buildings, either adjacent to the advertisement, or behind it. Nevertheless, I find that the site-specific circumstances of the appeal site dictate the context for the proposed advertisement.
11. I have considered the appellant's suggested conditions, including the proposed limit for the luminance level, a minimum time for an image to be displayed, and a time restriction for the hours of illumination. However, these would not be sufficient to mitigate the overall harm that I have identified above, which is caused only partially by the illumination and nature of the display.
12. Therefore, the proposed advertisement would cause harm to the visual amenity of the area. In this regard, and although they have not been decisive in my determination of this appeal, the proposal would not accord with the aims of LP Policies SS9 and SDC3. Furthermore, due to the harm identified, the proposal cannot be considered sustainable development, and would also be contrary to the aims of the Framework in so far as it relates to this matter.

² APP/W2465/Z/23/3323139

Other Matters

13. I note that apart from the concerns over the visual amenity of the area, there have not been other issues raised. However, this is a neutral matter rather than one that carries positive weight for the advertisement.
14. Whilst I acknowledge the environmental and economic benefits outlined by the appellant regarding digital advertisements, including the overall reduction of panels nationwide, they do not outweigh the harm to the visual amenity of the locality that I have identified.

Recommendation

15. For the reasons given above and with regard to all other matters raised, I recommend that the appeal is dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Mr R Walker

INSPECTOR