



Appeal Decisions

Site visit made on 16 December 2024

by **R Major BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 December 2024

Appeal A Ref: APP/G4240/W/24/3345907

Pavement o/s 2A Market Street, Ashton-under-Lyne, Tameside OL6 6BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Nathan Still of In Focus Public Networks against the decision of Tameside Metropolitan Borough Council.
- The application Ref is 24/00156/FUL.
- The development proposed is described as installation of multifunctional communication hub including defibrillator and advertisement display.

Appeal B Ref: APP/G4240/H/24/3345902

Pavement o/s 2A Market Street, Ashton-under-Lyne, Tameside OL6 6BX

- 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 Nathan Still of In Focus Public Networks against the decision of Tameside Metropolitan Borough Council.
- The application Ref is 24/00157/ADV.
- The advertisement proposed is described as installation of multifunctional communication hub including defibrillator and advertisement display.

Decision

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

Preliminary Matters

3. The two appeals relate the same proposal on the same site. Appeal A concerns the refusal of planning permission to erect a multifunctional communication hub (the hub). Appeal B concerns the refusal of express consent for an advertisement display on the hub. I have considered each appeal on its individual merits, however, as they raise similar issues, I have combined both decisions into a single decision letter.
4. In respect of Appeal B, the Advertisements Regulations require that decisions are made only in the interest of amenity and public safety. Therefore, whilst I have taken account of the development plan policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.
5. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Therefore, in this instance, it has not been necessary

to consult the main parties on the amendments to the Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

6. The appeal site is situated within the Ashton Town Centre Conservation Area (the CA) and therefore in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.

Main Issue

7. The main issue in respect of both Appeal A and Appeal B is the effect of the proposal on the character and appearance of the area and whether it would preserve or enhance the character or appearance of the CA.

Reasons

8. The proposal seeks to install an upstanding rectangular communication hub. It would comprise primarily of an LCD advertisement on one side, with the other side housing features including a free to call landline, wayfinding screen, emergency service access and a defibrillator, sheltered by a projecting canopy.
9. The appeal site is located within a pedestrianised part of the town centre where vehicle access is restricted, except for loading during certain times of the day. More specifically, the site relates to the footway at the junction where Market Street and Old Street meet.
10. As mentioned above, the site is located within the CA. The CA is relatively large in area, encompassing the main commercial and retail core of the town centre. It is characterised by different layers of modern commercial development interspersed with older buildings and streets.
11. The wider CA therefore features a range of buildings and architectural styles and its significance, in part, derives from its role as a commercial and retail centre, as well as the diversity of the built environment. However, where the appeal site is located, this section of the CA is defined by older and more traditional buildings with attractive features, principally two to three-storeys in scale with a mix of commercial uses at ground floor level.
12. Whilst located within an area designated as a Primary Shopping Area, I observed that this part of the town centre appeared significantly quieter in terms of pedestrian footfall and general activity in comparison to other parts of the town centre I visited.
13. Nevertheless, given the commercial character of the area there are a variety of advertisements in the locality, including non-illuminated and illuminated signs on the ground floor premises. I also observed various A-board advertisements and advertising on street bollards.
14. Furthermore, the area within the immediate vicinity of the appeal site includes significant levels of street furniture, comprising of street trees, bollards, road signs, bins, a finger post directional sign, street lighting posts, a telecommunication cabinet and a telegraph pole. Additionally, a short distance to the west of the appeal site a BT hub has been installed, although at the time of my visit this was covered and not operational.

15. As such, whilst adverts and street furniture is an existing feature of the street scene, I found this section of the town centre to be visually dominated by street clutter which causes some visual harm to the public realm and area in general.
16. The proposed hub would be sited in amongst this existing street furniture and by reason of its height and width the hub would appear as a more visually prominent structure in comparison to most of the other existing surrounding features on the street. The proposal would not integrate well with the existing street furniture and would contribute further street clutter within the public realm. The proposal would therefore only exacerbate the visual harm I observed from street clutter in the vicinity and further detract from the amenity of the surrounding area.
17. In reaching this view I note the appellant's comment that the proposal would provide a centralised point for multiple public services, reducing the need for multiple standalone units and thereby decreasing overall street clutter. However, it is not clear from the evidence before me which, if any, existing pieces of street furniture in the vicinity of the appeal site would be removed as a result of the proposal. This therefore limits the weight I can attribute to this matter.
18. For the reasons given, I therefore find the proposal would have an unacceptable impact on the character and appearance of the area, and cause harm to visual amenity. Furthermore, it would not preserve or enhance the character or appearance of the CA.
19. In light of the above, I find the proposal would lead to less than substantial harm to the significance of a designated heritage asset. Paragraph 215 of the Framework requires that where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
20. In respect of Appeal A, paragraph 119 of the Framework states that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. The Framework also seeks to support the expansion of electronic communication networks. The hub would therefore support the Government's aim of improving digital infrastructure.
21. The proposal would also improve the communication provision in this area, provide greater connectivity and enable users to access the digital network without charge. It would incorporate a defibrillator and a range of integrated functions and facilities, such as access to emergency services, CCTV and wayfinding. The hub would also be powered by solar energy.
22. Taken together, these public benefits attract moderate weight in favour of the proposal. However, these benefits do not outweigh the great weight I must attach to the asset's conservation.
23. In respect of Appeal B, the Regulations require that decisions are made only in the interest of amenity and public safety. As such, most of the proposed benefits put forward by the appellant cannot be taken into consideration in my decision for Appeal B. Nevertheless, even in a scenario whereby I accepted that use of the advertisement to display emergency messages and public messaging campaigns was a public safety matter relevant to the control of advertisements, the benefits derived from it would not overcome the harm I have identified to visual amenity.

24. In view of all the above, I conclude the proposal would have a harmful impact upon the character and appearance of the area, and it would not preserve or enhance the character or appearance of the CA. The proposal therefore conflicts with Policies C2 and C4 of the Tameside Unitary Development Plan (2004) and Policy JP-P2 of the Places for Everyone Joint Development Plan (2024) which together seek to ensure, amongst other things, that development proposals preserve and conserve the character and appearance of conservation areas. The proposal would also fail to satisfy the requirements of the Act and the relevant sections of the Framework.

Other Matters

25. I have had regard to suggested conditions proposed by the appellant, as well as the standard conditions set out in Schedule 2 of the Regulations which relate specifically to Appeal B. However, these conditions would not overcome the harm I have identified.
26. In respect of Appeal B, as mentioned above the Regulations require that advertisements be subject to control only in the interests of amenity and public safety. The Council have not suggested the proposal would affect public safety and I see no reason to disagree.

Conclusion

27. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, both Appeal A and Appeal B are dismissed.

R Major

INSPECTOR