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## Appeal Decision

Site visit made on 28 January 2025

by **K Mansell BA (Hons) MPhil TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

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**Appeal Ref: APP/J2373/Z/24/3352968**

**Laser Quest Blackpool Limited, 66-74 Promenade, Blackpool FY1 1HB**

- 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 Chris Blackwell against the decision of Blackpool Council.
  - The application Ref is 24/0463.
  - The advertisement proposed is described as 'retrospective application for the display of 1 static internally illuminated fascia sign, 1 internally illuminated LED display, 1 non-illuminated fascia sign, various cabochon lights either side of entrance door'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. On 12 December 2024, the Government published a revised version of the National Planning Policy Framework (the Framework). In relation to the main issue in this appeal, Government policy has not materially changed. For this reason, I have not sought the parties' comments upon it but neither party has been prejudiced by my having regard to it.
3. I saw on my site visit that the advertisements were in place. I have determined the appeal on the basis that consent is sought retrospectively for the adverts as installed.
4. The Regulations<sup>1</sup> and the Framework state that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council does not consider that there are any issues relating to public safety and from my observations on site, I have no reason to disagree. I have therefore dealt with this appeal on the basis of the effect of the advertisements on amenity.
5. In the decision notice, the Council consider that the proposal fails to accord with Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy (2016) (BLP1: CS) and Policies DM19, DM24 and DM27 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (2023) (BLP2: DMP), as well as guidance in its 'Signage' Supplementary Planning Document (SPD)(2018) and Sections 12 and 16 of the Framework. I have taken these policies into account as material considerations in so far as they are relevant to amenity.

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<sup>1</sup> The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

6. I am mindful that the appeal site lies within the Town Centre Conservation Area (CA) where there is a statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the CA. This statutory duty applies in this appeal in so far as it relates to the consideration of 'amenity'.
7. Reference is also made within the Council's Delegated Report to the effect of the proposal on the setting of nearby listed buildings, including Blackpool Tower (Grade I), the Clifton Hotel and North Pier (both Grade II). The related requirements of Section 66(1) of the Act do not apply to proposals for advertisement consent, because that statutory duty only pertains to considering whether to grant planning permission or permission in principle under the Town and Country Planning Act 1990. Nonetheless, factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest<sup>2</sup>. I have therefore taken account of the presence of any nearby listed buildings in considering the effect on amenity.

### **Main Issue**

8. The main issue in this appeal is the effect of the advertisements on the amenity of the area.

### **Reasons**

9. The signage, subject of this appeal, is positioned above the ground floor entrance leading to the appeal site within the basement at 66-74 Promenade. It comprises an internally illuminated LED display directly above the doorway, as well as a static internally illuminated logo sign and a non-illuminated fascia sign above that. The entrance, which is accentuated by cabochon lighting strips on either side of the doorway, takes up a small part of the frontage to an Art Deco building otherwise occupied at ground floor by a restaurant. The curved façade of this building as a whole occupies a prominent position on the seafront as it turns the corner to Church Street.
10. The appeal site lies within the CA, which has quite an extensive boundary. It incorporates Blackpool's civic core and the North Pier, as well as some of the town's most prominent entertainment buildings, such as the Grade I Listed Blackpool Tower and the Grade II\* Listed Winter Gardens complex. The architectural character of the CA is varied, reflecting Blackpool's growth as a seaside town. The main east-west thoroughfares are edged by buildings of varying ages, leading towards the seafront and offering glimpses of the open sea. The CA also includes a central section of the Promenade, encompassing the 'Golden Mile', where the appeal site is situated, at the core of the town's seaside ambiance.
11. Based on my observations on site and the evidence before me, it is the diversity of architectural styles within the CA, shaped by the town's evolution as a resort, ranging from Victorian to distinctive inter-war buildings, and landmarks such as Blackpool Tower, combined with their primarily retail, public and leisure function within a traditional seaside context that positively contributes to the character and appearance of the CA as a whole. It is these attributes that give the CA its special interest and significance.

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<sup>2</sup> Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

12. On my site visit, I observed that nearly every building along the Promenade within the proximity of the appeal site incorporates advertisements to a varying degree, including those which are internally illuminated. However, I saw no other LED screens of the size of the appeal scheme. Furthermore, when combined with the fascia signage above it, these advertisements result in a noticeably sizeable depth of signage above the modestly sized entrance. Notwithstanding the removal of the canopy, this proliferation of advertising, along with the prominent LED display, is unduly conspicuous, drawing the eye in a way that it stands out from other building signage in the immediate vicinity. Such visual prominence arising from the advertisements has a harmful effect on the amenity of the area, and it consequently causes harm to the character and appearance of the CA.
13. I appreciate the role of advertisements to inform customers about the goods and services that businesses within provide, with likely associated benefits to visibility and viability. The SPD also recognises the essential value of outdoor advertising for Blackpool's businesses, but with a caveat that it must still be well designed and in the right place. Even if Blackpool's identity is linked with vibrant, eye-catching displays, my observations are that this is primarily associated with wider illuminations to public leisure assets and street lighting, rather than from individual business advertisements. Furthermore, whilst the host property is not listed, it is, nonetheless, a distinctive building that occupies a prominent location on the Promenade. The cumulative size, form and position of the signage results in a negative impact on the appearance of the building and on the CA. Consequently, it is harmful to visual amenity.
14. I note the presence of other signage within the vicinity of the appeal site. These include a digital advertising board on the North Pier, a long-standing entertainment venue, as well as a digital advertising screen in the Tourist Information Centre's window, which, in contrast to the appeal scheme, is displayed inside the building. My attention has also been drawn to the LED heart and scrolling message on Blackpool Tower and the lighting of the structure, as well as the 'Lightpool' on the building beneath. However, these latter displays are illuminating an iconic leisure feature and a landmark within the town. Moreover, whilst these are within the CA, I have not been provided with full details of these advertisement consents nor their history. Consequently, I cannot be certain as to the detailed considerations that applied in those cases. In any event, I am required to reach conclusions based on the individual circumstances and merits of this appeal.
15. For the reasons given above, I conclude that the proposal is harmful to the visual amenity of the area. It also causes harm to the Town Centre CA, the desirability of preserving or enhancing the character or appearance of which is a matter that I have paid special attention to.
16. I have taken into account Policies CS7 and CS8 of the BLP1: CS and Policies DM19, DM24 and DM27 of the BLP2: DMP. These policies seek, amongst other matters, to ensure that proposals are well-designed and that advertisements in particular are of the highest design quality and preserve the character and amenity of the area and heritage assets. They also require schemes to respect Blackpool's heritage and protect significant views, have appropriate regard to listed buildings, whilst also ensuring that proposals within a conservation area conserve or enhance those elements that make a positive contribution to their special character and appearance. For the same reasons, it conflicts with guidance within the Council's

Signage SPD and Sections 12 and 16 of the Framework, insofar as they relate to amenity, particularly in terms of enhancement of conservation areas where their character should be preserved or enhanced. Given that I have concluded that the proposal harms amenity, it therefore conflicts with these policies.

### **Other Matters**

17. The appellant has drawn my attention to a larger LED display installed at the appeal premises in 2014. Whether the associated advertisement consent is extant is not a matter before me. I must consider only the appeal scheme.
18. I am mindful that the decision notice refers to less than substantial harm to the significance of the CA arising from the advertisements and also, that no overriding public benefits have been identified. There is, however, no indication in the Regulations or the Framework that any factors other than amenity or public safety can be taken into account either for or against an advertisement proposal. As such, this matter is of negligible weight in coming to my decision.
19. Nonetheless, I do acknowledge concerns raised by the appellant that a perceived lack of advertisement consents being allowed by the Council is causing businesses to leave Blackpool. The inference is that the town, as a result, is quiet at peak holiday times, with a photograph of the town centre in July 2024 submitted as evidence. However, the time of day it was taken is not stated, and it would appear to be a grey cloudy day when a visit to a seaside resort may arguably be less attractive to tourists.
20. I also have no statistical evidence before me of businesses leaving the town for this reason, nor evidence of a specific increase in customer footfall to the appeal premises or revenue since the LED sign was installed. Consequently, whilst I appreciate the general pressures of operating a business, this matter is not determinative. Furthermore, even if customers of the appeal premises have commented positively on the appearance of the signage, this is not a matter that outweighs the harm to amenity that I have identified above and, accordingly, it does not alter my findings. In any event, I have determined this appeal on its individual merits.

### **Conclusion**

21. For the reasons set out above, I find that the proposal harms the visual amenity of the area. For this reason, the appeal is dismissed.

*K. Mansell*

INSPECTOR