



Appeal Decision

Site visit made on 18 February 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/P2365/Z/24/3352266

Two Saints Retail Park, Two Saints Place, Ormskirk L39 3RN

- 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 Alight Media Ltd against the decision of West Lancashire Borough Council.
 - The application Ref is 2024/0349/ADV.
 - The advertisement proposed is 'New single freestanding illuminated 48-sheet digital advertisement display, measuring 6.4m wide x 3.4m high and comprising pressed metal frame and sealed LED screen'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issue of this appeal, I have not sought comments on the revisions.
3. The Council has drawn my attention to Policies GN3 and EN4 of the West Lancashire Local Plan 2012 – 2027 Development Plan Document (DPD) (adopted October 2013). However, powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking into account (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The Framework and the Planning Practice Guidance (PPG) reiterate this approach. As such, in my determination of this appeal, these policies have not in themselves been decisive.

Main Issue

4. The main issue is the effect of the proposal on the amenity of the area, with particular regard to the setting of the Ormskirk Comrades War Memorial.

Reasons

5. The proposal entails the erection of a 48-sheet illuminated advertisement display located on a parcel of land close to the entrance of the Two Saints Retail Park in Ormskirk. The display screen would be 6.4 metres (m) wide and 3.4m in height in total and would be attached to a steel monopole. The elevation plan is vague in this regard although it shows that the clearance between the ground and bottom

edge of the screen appears to be around 2-3m, giving a total height of around 5-6m total height.

6. The local area is predominantly commercial, with the appeal site located at the entrance of the car park of a retail park. The A570 road runs northwest to southeast adjacent. On the opposite site of the road lies Coronation Park, which includes the Ormskirk Comrade War Memorial, a Grade II listed building, erected on the eastern edge of the park adjacent the road. To either side of the park are further commercial buildings.
7. The listing description¹ of the memorial advises that it is formed of ashlar sandstone and granite and was originally erected in 1921 to commemorate residents of Ormskirk lost in the First World War. A further inscription was added to honour those lost in the Second World War. It is formed of an obelisk which sits atop 3 steps. Two further granite slabs featuring names of the fallen were erected adjacent the memorial along with two granite benches.
8. The special interest of the listed building is derived from its historic and architectural interests. Historic interest is mostly drawn from its association with the tragic impacts and sacrifices made by those lost in two world wars, while its architectural interest is derived from the craftsmanship, traditional form and materials as seen in many similar monuments around the country.
9. I am mindful of the definition of setting given in the Framework, which advises that this includes the surroundings in which a heritage asset is experienced. It goes on to state that its extent is not fixed and may change as the asset and its surroundings evolve and elements may make a positive or negative contribution to the significance of a heritage asset.
10. The immediate setting of the listed building is largely formed of the gardens and curtilage surrounding the memorial which is demarked by hedges within the park and railings lining the footpath adjacent the road. This has become a garden with flowers and benches and is a poignant space within which to contemplate the significance of the memorial and its purpose in commemorating those lost in the wars.
11. The wider setting includes the remainder of the public park to the southwest which makes a positive contribution to the significance of the listed building due to its community use, verdant character and open fields. To the north lies a leisure centre and to the south is a supermarket and a substation. All are generally formed of red brick and are predominantly single storey. They are neutral contributors to the setting of the listed building given their low profiles and muted materials.
12. The retail park within which the advert is proposed to be installed also forms part of the wider setting of the memorial. This is due to the orientation of the memorial in that direction and intervisibility between the two elements. Although one would generally be facing towards the park when stood in front of the monument, the retail park is open to the front and prominent feature when viewed from within the park and travelling along the A570 road. The retail park is much more prominent in views from the memorial location which is exacerbated by the entry of vehicles using the car park. The retail park is therefore a neutral contributor to the setting of the listed building.

¹ List Entry Number: 1445419

13. The proposed advertisement would be a large structure located by design in a prominent location designed to capture the attention of passers-by. Its modern appearance and illuminated display would appear incongruent set against the more muted material palette of the area while presenting as a dominant addition to the street scene. Moreover, the introduction of a harmful feature within the setting of the listed building would detract from its significance. This harm would be particularly stark during nighttime hours when the advertisement would be even more prominent, despite the adaptive light level features of the technology. This impact would be compounded by the intermittent changing of the illuminated display, despite taking little time to transition, that would significantly draw the eye, further accentuating its visual prominence and harmful effect on the visual amenity of the area.
14. Although the appellant points out that displays of this type are commonplace across the country, and the local area is predominantly commercial in character, I saw no evidence that these types of advertisement display are typical locally. The Planning Practice Guidance² does indeed advise that generally speaking a commercial area may be more accommodating to an advertisement display. However, it also states that if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. From my consideration of the proposal, it would not be in keeping with the visual amenity of the area and would dominate the street scene within the setting of a listed building.
15. Although the appellant points to the totem sign in the car park, this was related to the businesses present and was of a more suitable scale. It also does not appear to change its display at regular intervals. There may be examples of other illuminated light sources nearby, such as streetlights, although these are of significantly different character, scale and purpose than the advertisement display. The example presented to me by the appellant of an ostensibly similar development was evidently allowed at appeal, although this is located in Hull and some way from the appeal site. As the appellant points out, each proposal is assessed on its own merits, and I have very few details on that development regardless. It has therefore not been determinative.
16. The appellant argues that the retail park was not considered harmful to the setting of the memorial when it was originally granted planning permission. From the site planning history given in the Council's officer report, this appears to have been granted on three separate occasions with the latest in 1995³. However, as the listing description makes clear, the memorial was moved to its current location in 2012, and the retail park was already in place. Regardless of which came first, the setting of the listed building must still be a material consideration.
17. While the appellant argues that drivers travelling towards the appeal site would be focussed on the road ahead with little visibility of the memorial, the Council did not refuse consent based on public safety issues. Furthermore, road users may not experience the memorial in this manner, but intervisibility from the road is but one consideration in this matter.

² Paragraph: 079 Reference ID: 18b-079-20140306

³ Planning application reference: 1995/0139

18. Based on the above, due to its scale, materials and digital illumination, the proposed advertisement would introduce a visually prominent and obtrusive feature that would cause harm to the visual amenity of the local area, including the setting of the Grade II listed war memorial.
19. In accordance with the Regulations, I have taken into account the provisions of the development plan only in so far as they are relevant. Policy EN4 of the DPD states that development will not be permitted that will adversely affect a listed building, among other things. Policy GN3 states that development should have regard to the historic character of the local landscape and/or townscape. Given my findings, the proposal would be contrary to these policies. The proposal would also be contrary to the historic environment conservation aims of the Framework.

Other Matters

20. Much of the appellant's case focusses on the Ormskirk Town Centre Conservation Area (CA). However, this was not given as a reason for refusal and the Council has not concluded that there would be harm to the setting of the CA regardless. As such, I have not considered this matter in my appraisal of the appeal.
21. The appellant has drawn my attention to the benefits of the advert, such as displaying Council messages and advertisements for local businesses, revenue generation and the contribution advertising makes to the economy as a whole. While these are worthy of positive weigh in favour of the scheme, the details are very vague and not quantified to any substantive degree. As such, these matters would not outweigh the harm that I have identified to the amenity of the area. Moreover, the Regulations require that I exercise my powers only with regard to amenity and public safety albeit these benefits may be proffered as other relevant factors.

Conclusion

22. For the reasons given above, I find that the proposed advertisement would significantly harm amenity, including the setting of a Grade II listed building, and therefore the appeal should be dismissed.

C McDonagh

INSPECTOR