
Appeal Decision

Site visit made on 17 December 2024 by T Morris BA (Hons) MSc

Decision by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/X3405/Z/24/3349771

Land Adjacent to 1 Uxbridge Street, Hednesford, Cannock WS12 1DB

- 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 Wildstone Estates Limited against the decision of Cannock Chase District Council.
 - The application Ref is CH/24/129.
 - The advertisement proposed is installation of a digital advertising screen (D-Poster).
-

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 Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) set out that powers under those Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
4. The Council has not identified any concerns in respect of public safety. Having regard to the Regulations, the main issue therefore relates to amenity.
5. The Planning Practice Guidance advises that amenity is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. Given that the Council's second reason for refusal relates to the effect of the proposal on the living conditions of occupiers of 2 Church Hill (No 2), I have addressed these issues separately as 'other matters'.

Main Issue

6. The main issue is the effect of the proposed advertisement on amenity.

Reasons for the Recommendation

7. The appeal site forms part of a car park adjacent to 1 Uxbridge Street (No 1), which is a two-storey gable ended building close to a four-way road junction. The site is

located adjacent to Hednesford Town Centre, which is predominantly characterised by small shops and other commercial uses, whereas Uxbridge Street itself is more residential overall. Advertisements in the area are limited and primarily concentrated along Market Street. These are mostly of a small-scale including shop fascia and projecting signs. Furthermore, having visited the site towards dusk hours, I saw that despite the prevalence of advertisements in the wider area, this section of Uxbridge Street is not particularly well lit. Where there are illuminated advertisements, the level of illumination is generally subtle and subdued. Accordingly, most of the local advertisements have a discreet presence in the street scene and tend to be reflective of the overall low-key market town character of the surrounding area.

8. By comparison, due to its large scale and its overtly modern internally illuminated digital appearance, the proposed advertisement would contrast with the more discreet appearance of the other advertisements in the area. Despite the use of high-quality materials, the large digital advertisement would appear conspicuous in the street scene and would draw the eye of passers-by. Its visual effects would be worsened by its significantly elevated position above ground level, its base being around 3.5m above the footway, together with its use of regularly changing digital imagery. Whilst I accept that No 1 adjacent is not a particularly noteworthy building, nor is the site within a conservation area, the National Planning Policy Framework advises that the quality and character of places can suffer when advertisements are poorly sited and designed. In that regard, the advertisement would be an incongruous feature in the street scene and would detract from the overall quality and character of the locality.
9. With regards to the evidence provided by the Appellant, Appendix 1 in their Statement of Case (SOC) shows that the previous advertisements at the site were different to the proposed advertisement as they were smaller and did not feature an internally illuminated digital display. Similarly, Figures 5 and 7 of the SOC show smaller advertisements and I saw on my site visit that those in Figure 5 have a more subtle external illumination and are not especially conspicuous in the street scene. Whilst the advertisement in Figure 6 of the SOC is large, it too is different as it is not a large digital display. Consequently, none of these examples justify the proposal given that they are all different to the proposed advertisement and, in any event, each advertisement stands within its own context.
10. Of the other examples of advertisements provided by the Appellant, the closest is shown in Figure 8 of the SOC. However, as it is located approximately 2.6km away from the appeal site, it is some distance away and does not form part of the character of the area. Furthermore, whilst their details have been provided in Appendix 2 of the SOC, all the examples listed are in different locations across the country and are not therefore in the same locality. Moreover, the evidence before me does not clearly demonstrate that the context is similar or that these examples are directly relevant to the appeal proposal and in any event, these do not set a precedent as the appeal has been considered on its own merits.
11. I conclude that the proposed advertisement would be harmful to the visual amenity of the area. Whilst not determinative, the proposal would also conflict with Policy CP3 (Chase Shaping – Design) of the Cannock Chase Local Plan (Part 1) (2014). Whilst this policy does not specifically relate to advertisements, it generally requires that proposals consider design imaginatively in its context and should complement and enhance the character and appearance of the local area.

Other Matters

12. I have also considered the effect of the proposed advertisement on the visual amenity and outlook for occupiers of No 2, particularly from their front principal windows and the private amenity area to the rear. From this vantage, views towards the advertisement would be at an oblique angle. The advertisement would also be some distance away from No 2 and the Appellant's technical evidence indicates that the level of illumination would not result in an unacceptable level of light pollution to neighbouring properties. Therefore, these factors together would limit the effect of the advertisement on the visual amenity and outlook of occupiers of No 2. Nevertheless, this does not overcome the harm of the proposed advertisement on the visual amenity of the area.
13. I also accept that the proposed advertisement would operate within industry standards and would be within an established set of parameters that include control over the level of illuminance and the proposed speed and rate of change between advertisements. Although the appellant would be willing to accept planning conditions, which could secure such controls, this would not overcome the harm of the proposed advertisement on the visual amenity of the area given its overall scale alongside its overtly modern digital appearance.
14. I have also had regard of the benefits of digital advertising as well as the wider environmental, social and economic benefits of the proposal put forward by the appellant. Whilst some of the benefits go beyond those assisting the infrastructure provider, such as decluttering sites, the uplift in business rates which could be spent on public services, reduction in waste, public messaging, public art campaigns, reduction in vehicle trips, noise, air quality and climate considerations, taken as a whole, these factors amount to no more than a modest level of benefit. Such benefits do not therefore outweigh the harm identified under the main issue.

Conclusion and Recommendation

15. For the reasons given above, I recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

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

B Plenty

INSPECTOR