



Appeal Decision

Site visit made on 4 February 2025

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Appeal Ref: APP/R2330/Z/24/3356542

Land at Hyndburn Road, Accrington, Lancashire BB5 4EG

- 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 Premier Vue against the decision of Hyndburn Borough Council.
 - The application Ref is 11/24/0192.
 - The advertisement proposed is the erection and display of a single freestanding 3 x 6 metre LED display unit.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Prior to the determination of this appeal, a new version of the National Planning Policy Framework (the Framework) has been published. The substantive matters of the case before me are not however affected by the changes. I do not therefore feel any of the main parties' cases would be prejudiced by me proceeding without further consultation thereon.
3. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal, and I have taken them into account 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 Framework and the Planning Practice Guidance (PPG) reiterate this approach. Amenity includes the general characteristics of the locality including the presence of any feature of historic, architectural or similar interest. I consider the presence of a woodland Tree Preservation Order (TPO) to fall within this description.

Main Issue

4. The Council does not object to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to disagree with the Council on these matters. Therefore, the main issue is the effect of the advertisement on amenity with regard to its effect on trees protected by a woodland TPO.

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

Reasons

5. The appeal site forms the landscaped area at the junction of Hyndburn Road, Manor Place, Dunkenhagh Way and Henry Street. It lies between the road junction and the residential dwellings to the rear. The site is subject to a woodland TPO and there are a number of trees and other landscaping within the vicinity of the proposed advertisement.
6. The proposed advertisement would be approximately 3 metres high and 6 metres wide. Whilst the scale, design and general location of the advertisement would not be at odds with the characteristics of the area, it would necessitate the removal of a number of trees the subject of a woodland TPO. The surrounding landscaping consisting of the shrubs and less mature trees would also be reduced in height to enable the advertisement to be viewed from vehicles travelling towards the junction along Hyndburn Road.
7. The appellant has suggested that the trees could be replaced on a 3 to 1 basis on a site on the opposite side of the road. However, there are no details of this before me, such as a location plan and the types and sizes of the trees proposed or agreement of the landowner. The appellant has suggested that such details could be agreed by planning condition but, to my mind, they go to the heart of whether the proposal would be acceptable and it would therefore not be appropriate to address matters in this way. In any event, I have determined the appeal based on the evidence before me.
8. Consequently, taking the above into consideration, I conclude that the proposal would result in unacceptable harm to amenity with regard to its effect on trees protected by a woodland TPO. It would be contrary to guidance on advertisements within the Framework. It would also conflict with Policy DM17 of the Hyndburn Local Plan Development Management Development Plan Document (2018) which although not decisive seeks to ensure proposals do not result in the loss of trees which are subject to a TPO.

Other Matters

9. I have had regard to the benefits of the proposal, including the likely reduction in fly tipping and anti-social behaviour and enhancement of the area. It would provide advertising space and income for the local businesses as well as the Council and allow the promotion of initiatives and public communications. However, as the power to control advertisements under the Regulations can only be exercised in the interests of amenity and public safety these matters do not form part of my consideration.

Conclusion

10. For the reasons given above the appeal should be dismissed.

H Senior

INSPECTOR