



Appeal Decision

Site visit made on 15 April 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/N4720/Z/24/3357623

Armley Business Park, 41-45 Stanningley Road, Leeds LS12 3LW

- 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 Leeds City Council.
 - The application Ref is 24/05399/ADV.
 - The advertisement proposed is the erection of one new internally illuminated digital advertisement.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) require that advertisements be subject to control only in the interests of amenity and public safety. The Council has not suggested that the proposal would affect public safety, and I see no reason to disagree.
3. The Council's reason for refusal refers to the effect of the proposal on the setting of Grade II listed structures. The statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requiring decision makers to have special regard to preserving the setting of a listed building or any features of special architectural or historic interest does not apply to this appeal. Furthermore, the evidence highlights the proximity of the appeal site to the Armley Conservation Area, although the Council does not refer to harm to this in its decision. As the site is not within the Conservation Area the statutory duty under Section 72(1) of the Act would also not apply. However, factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic interest.

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the area, including its siting close to the Grade II listed 'Gate Piers at Entrance to Armley Park'.

Reasons

5. The proposed digital advertisement would be sited within the forecourt of commercial units that are relatively modern in appearance and close to the busy Stanningley Road. The vehicular and pedestrian entrances to Armley Park and the

listed gate piers are located on the opposite side of the highway to the appeal site. Along with a stone boundary wall and mature trees, the listed gate piers form an attractive frontage to the road with the more open park setting beyond. The proposal would therefore be seen in the context of a more historic setting, including older brick buildings along the road. There are a mix of buildings and uses within the wider area, including commercial development and residential uses. There are variations in signage within the immediate area of the appeal site, and some poster and digital displays in the wider area, although there are no similar sized illuminated advertisements in a comparable form to the appeal proposal in the immediate vicinity of the site. Street lighting, traffic signs and a signalled pedestrian crossing are also within close proximity to the site.

6. The advertisement would be set against the backdrop of, and extend slightly above, part of the boundary wall of a commercial unit and its metal cladding where there is currently no existing signage. Its siting at this part of the forecourt would largely limit views of it from the highway and footpath in approaches from a westerly direction, albeit it would be prominent in those views being sited close to the footpath and highway. The advertisement would also be visible from parts of Armley Park close to its entrance and frontage with Stanningley Road, as well as in views towards the appeal site alongside the listed gate piers.
7. The officer report makes reference to two previous refusals by the Council, and it has provided an appeal decision¹ that was dismissed at the same site. The report states those earlier proposals were identical to the appeal scheme. I have not been provided with any details other than the appeal decision, although the appellant's evidence does not dispute that is the case. I have had regard to the Inspector's conclusion in that decision, although I have made my own assessment based upon the appeal submissions and site visit.
8. Despite its siting close to commercial units, the advertisement would be a notable new feature in this location viewed in the context of the attractive setting of the Armley Park road frontage, the listed gate piers and the backdrop of older buildings. Due to its size, position and illumination, the advertisement would appear as a prominent and discordant feature in the street scene. This would be at odds with the established character and appearance of the area and the type of advertisements in the immediate vicinity, and so would result in harm to visual amenity.
9. I observed the digital advertisements referenced in the appellant's evidence that have been permitted by the Council on Stanningley Road and Canal Road. Whilst they have been deemed to be acceptable in those locations, they are seen in a different context to the appeal site. I have also had regard to other examples referenced in the appellant's evidence that have been permitted in relation to designated heritage assets, which include those that have replaced or upgraded existing advertisements. However, I do not have full details relating to all of the particular circumstances of those schemes to determine whether they are directly comparable to the appeal proposal. It is important to note that there is no existing signage being replaced in the location of the appeal scheme and this would be a completely new display. I therefore cannot draw any direct comparison from these with the proposal that would weigh in its favour, and I have considered the appeal before me on its individual merits relating to the effects on the amenity of this area.

¹ Appeal Ref APP/N4720/Z/23/3328153, dated 22 September 2023

10. I acknowledge that conditions could control illumination levels and operation of the advertisement, and I note the light diagram that has been provided by the appellant. The appellant also suggests that such advertisements mimic more traditional poster and paste displays. However, the introduction of the advertisement in this location would result in an incongruous feature and harm to the amenity of the area, which would be exacerbated by its illumination. I consider that the proposal could not be made acceptable through the use of such conditions relating to illumination or other operational aspects, and they would not overcome the overall harm to amenity that I have found.
11. The appellant references general decluttering associated with digital upgrades, although I do not have any evidence before me to demonstrate how there would be any direct benefits from the scheme in this respect in this location. I have also had regard to the appellant's suggested benefits of digital advertising in the context of the appeal scheme. However, I do not consider that these would outweigh or justify the harm that I have identified when assessing the proposal in the interests of amenity.
12. I conclude that the appeal proposal would have a harmful effect on the amenity of the area, including the historic feature comprising the listed gate piers. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant to amenity. Policies P10 and P11 of the Core Strategy (as amended by the Core Strategy Selective Review 2019), Leeds Local Plan and Policies GP5 and BD8 of the Leeds Unitary Development Plan (Review 2006) seek to protect amenity and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies. The proposal would also conflict with advice in the Advertising Design Guide, Leeds Local Development Framework, Supplementary Planning Document (2006) in this respect.

Conclusion

13. For the reasons given above, I conclude that the proposed advertisement would harm the amenity of the area, and the appeal is dismissed.

N Armstrong

INSPECTOR