



## Appeal Decisions

Site visit made on 19 August 2025

by **H Jones BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> September 2025

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### **Appeal A Ref: APP/J4423/W/25/3366224**

#### **Pavement outside 44 - 46 Broad Lane, Sheffield S1 4BT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Urban Innovation Company (UIC) Ltd against the decision of Sheffield City Council.
  - The application Ref is 25/00669/FUL.
  - The development proposed is installation of a "Pulse Smart Hub" with integrated digital screens.
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### **Appeal B Ref: APP/J4423/H/25/3366226**

#### **Pavement outside 44 - 46 Broad Lane, Sheffield S1 4BT**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the 2007 Regulations) against a refusal to grant express consent.
  - The appeal is made by Urban Innovation Company (UIC) Ltd against the decision of Sheffield City Council.
  - The application Ref is 25/00670/HOARD.
  - The advertisements proposed are 2 x (back-to-back) digital LED displays.
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## **Decisions**

### Appeal A

1. The appeal is allowed and planning permission is granted for installation of a "Pulse Smart Hub" with integrated digital screens at Pavement outside 44 - 46 Broad Lane, Sheffield S1 4BT in accordance with the terms of the application, Ref 25/00669/FUL, subject to the conditions in the attached schedule.

### Appeal B

2. The appeal is allowed and express consent is granted for the display of 2 x (back-to-back) digital LED displays at Pavement outside 44 - 46 Broad Lane, Sheffield S1 4BT in accordance with the terms of the application, Ref 25/00670/HOARD, dated 3 March 2025. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the additional conditions in the attached schedule.

## **Preliminary Matters**

3. Appeal A relates to the refusal of planning permission for the proposed hub unit. Appeal B relates to the refusal of advertisement consent for the digital advertisements which would be an integral part of the hub proposed under Appeal A. I have combined the appeals into a single decision as they are intrinsically linked and raise similar issues though I have considered each on its individual merits.

4. The descriptions I have used in the banner headings and decisions above are taken from the application forms submitted. More specifically, the description of the Appeal A proposal is taken from the "Description of the Proposal" section of the form and that of the Appeal B advertisements is taken from the "Type of Proposed Advertisement(s)" section. These descriptions accurately describe what is sought for planning permission and advertisement consent.
5. In respect of Appeal B, the 2007 Regulations and the National Planning Policy Framework (the NPPF) make it clear that advertisements are subject to control only in the interests of amenity and public safety. Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement appeals. Even so, relevant development plan policies can be taken into account as a material consideration in advertisement appeals, and this is the basis on which I have determined Appeal B.
6. There is evidence before me which indicates to me that a new local plan for Sheffield is emerging (the Emerging Plan). I have limited information before me in relation to the precise stage at which the Emerging Plan is at, the level of unresolved objection that there may be to it or the degree of consistency of policies within it to the content of the NPPF. Furthermore, the evidence before me does not contain the full content of any of the Emerging Plan's policies which may be of any relevance to the proposal. In the circumstances, the Emerging Plan is a matter of limited weight in my decisions.
7. Listed buildings are located within the vicinity of the appeal site. As a result, in reaching my decision on Appeal A, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Main Issues**

8. The Council's objections to the proposed hub unit the subject of Appeal A relate to its effects upon the character and appearance of the area. Therefore, the main issue in respect of Appeal A is:
  - The effects of the proposed development upon the character and appearance of the area.
9. The Council's objections to the proposed advertisements the subject of Appeal B concern visual amenity. Therefore, the main issue in respect of Appeal B is:
  - The effects of the proposed advertisements upon visual amenity.
10. Given such similar considerations apply, my reasoning below deals with these main issues together.

### **Reasons**

11. The appeal site is located on the fringes of Sheffield City Centre. The surroundings to the appeal site contain a range of buildings, including commercial and residential premises, and the size and design of the buildings varies quite considerably. Nearest to the appeal site are traditionally designed buildings housing Butlers Balti House and the Ernest Wright handmade scissors and shears business.
12. Advertisements of varied sizes, including illuminated ones, are present near to the appeal site. The local area is also adorned with street furniture such as road signs,

streetlights, bollards and traffic lights. Overall, and as a result of this combination of factors, the local area exhibits a vibrant character and is visually a lively place. The appeal site itself is part of the pavement running along Broad Lane. Whilst the width and surface treatment of the Broad Lane pavement varies, the part of it the proposals would be positioned on is wide, and it is surfaced with pavements.

13. The proposed hub unit would not have the narrow appearance exhibited by the likes of traffic lights and streetlights, and it would be a larger feature than the likes of a bollard. Nevertheless, it would be a relatively modest feature comparable or smaller in size than typical street furniture items like phone boxes and bus shelters. It would be situated within a decidedly built-up environment with limited open space and where buildings of various scales line the streets. The hub unit would adopt a sleek and modern appearance and, coupled with its dual-tone colour finish, the overall effect would be a design that conveys high quality.
14. Owing to the digital nature of the displays, the proposed advertisements would not be very recessive, and they would have some prominence. However, in considering the acceptability of the visual effects of digital advertisements the context within which they are situated is key. Within the site's urban, edge of city centre location, and given the existing presence of the likes of illuminated advertisements and traffic lights, the context in this particular case means that the advertisements would not appear harmfully strident.
15. Given all these factors I have referenced, the hub unit and the integrated advertisements would not form unsympathetic features in the area. Instead, they would form additional elements that contribute to the vitality and variety of the local townscape. They would appropriately assimilate into the built-up surroundings and compliment, rather than detract from, recent public realm improvements, whilst the quality of the design exhibited by them would ensure that they would not be detrimental to the character or appearance of nearby buildings either.
16. The proposed hub unit and its integrated advertisements would be sited several metres away from the Ernest Wright building on the opposite side of the pavement (though still on the same side of the road). The windows within the Ernest Wright building which would be closest to the hub unit are set at a high level. These factors, together with the conditions imposed which control the digital displays will mitigate the effects of the advertisements' illumination. In the circumstances, I have no firm basis on which to conclude that the visual effects of the proposed advertisements would cause any hindrance to the adjacent business, and I raise no objections on such grounds.
17. For these reasons, in respect of Appeal A, I find that the effects of the proposed development upon the character and appearance of the area would be acceptable, and it complies with Policies BE5 and IB9 of the Sheffield Unitary Development Plan 1998 (the UDP) and Policy CS 74 of the Sheffield Development Framework Core Strategy 2009 (the Core Strategy). Altogether, in summary and amongst other matters, these Policies require developments to be of high quality, which respect and enhance Sheffield's character, and which are complementary to surrounding buildings. I also find that the proposal complies with policy within the NPPF which set out that good design is a key aspect of sustainable development and which seek to ensure that developments are visually attractive and sympathetic to local character.

18. In respect of Appeal B, I find that the effects of the proposed advertisements upon visual amenity would be acceptable, again compliant with Policies BE5 and IB9 of the UDP and Policy CS 74 of the Core Strategy. The proposal also complies with Policy BE13 of the UDP which specifically relates to advertisements and which sets out, amongst other matters, that illuminated advertisements will be permitted provided that they would not harm the character or appearance of an area. Finally, the proposal also complies with the aforementioned content of the NPPF which relates to good design, visual attractiveness and local character, together with its content on advertisements to the effect that poorly sited and designed adverts should not be consented.

### **Other Matters**

19. The appeal site is not within it, but the Well Meadow Conservation Area (the CA) is located nearby. The significance of the CA is largely derived from its architectural and historic interest: the evidence that it provides on the history of metal trades, and the variety exhibited by the plot sizes and buildings within it.
20. Within the CA, and situated on the next street, are grade II listed buildings (Nos 48-50 Garden Street and Nos 52, 54 and 56 Garden Street). Like the CA, the principal significance of these listed buildings is derived from their design and architecture, and the evidence they provide of buildings associated with the area's metal trade history.
21. Farther along Broad Lane, and positioned beside a car park, is the grade II listed James Montgomery Memorial Drinking Fountain. The significance of the listed drinking fountain also principally stems from its architectural and historic interest. This is because of its association with the journalist and hymnologist James Montgomery as well as its ornate design and traditional appearance.
22. Since the appeal site is not within the CA, the proposed hub unit and the integrated advertisements would benefit from being separated from the land and buildings within it which contribute to its significance. Furthermore, the proposed hub unit and advertisements would not be visible from, nor be seen in conjunction with, much of the land and buildings within the CA, and this includes the aforementioned listed buildings on Garden Street. Intervisibility between the CA and the proposals would be largely confined to Broad Lane and its immediate environs. As a result, the interaction between the proposals and the CA would be a limited one. The proposals would not affect the CA's historic value as a centre of metal trade and, given the quality of the design I have described, and Broad Lane's varied and vibrant character and appearance, no harm to the CA's architectural interest would arise either from development taking place within its setting. Therefore, the character and appearance of the CA would be preserved. Given the lack of intervisibility, the special features of interest and setting of Nos 48-50 Garden Street and Nos 52, 54 and 56 Garden Street would also be unharmed.
23. The listed drinking fountain is situated farther away from the appeal site than the CA, and the proposals would be well-separated from it with a car park on much of the intervening land. Given the separation distances involved, and since the proposed hub unit would integrate into a context where street furniture, adverts and, overall, a lively visual character prevails, the proposals would not harm the architectural merit of the drinking fountain, and its historical associations with

James Montgomery would not be affected. No harm to the listed building's special features of interest or setting would therefore result.

24. Upon completion of the proposed hub unit an area of pavement would be narrowed, but a width of approximately 4 metres would remain between the hub unit and the nearest buildings. In addition, given the limited footprint of the proposed hub unit, this narrowing would apply to only a very limited stretch of the pavement. Consequently, the hub unit would cause no unacceptable hindrance to pedestrians, including the students who reside in nearby flats. Given the pavement space which would remain around the proposed hub unit, I have no reason to conclude that any hindrances to the disabled gaining access to Butlers Balti House would result nor that any restrictions for emergency service access would arise either.
25. In coming to these views, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 (the Act), which sets out the need to eliminate unlawful discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Act sets out the relevant protected characteristics which includes disability and age. No harm upon pedestrian movements or building access would arise as a result of the proposals. Therefore, I have no firm basis on which to conclude that students or the disabled would be affected differently or disproportionately. Consequently, the PSED does not provide a reason to dismiss the appeals.
26. The hub unit would be positioned beside a relatively straight section of road where visibility is good. Appropriately, the hub unit would be setback a little from the road too. Assisted by some of the conditions imposed which control the digital displays, I have no good reason to conclude that the advertisements integrated into the hub unit would cause any impairment to the visibility of any drivers or other highway users nor present a distraction to them. I find that the effects of both proposals upon highway safety would be acceptable.
27. Advertisements are subject to control only in the interests of amenity and public safety. The consideration of amenity is not defined exhaustively within the 2007 Regulations but, in practice, it usually relates to visual and aural amenity. Public safety relates to transportation factors. The energy efficiency of advertisements, their CO<sub>2</sub> emissions and any correlation between the siting of advertisements and inequalities within the local populace are all matters unrelated to these amenity and public safety considerations. Therefore, these are not matters which have a bearing upon my decision on Appeal B.
28. It may be that other defibrillators are located nearby, meaning that the benefit derived from the incorporation of one into the proposed hub unit is less significant than might otherwise be the case. However, in respect of the hub unit, I have identified no harm nor any conflict with development plan policies. Therefore, even if the proposed hub unit's benefits are tempered, this provides me with no reason to withhold planning permission.
29. The Council set out that the proposed hub unit could be sited elsewhere. However, I have been provided with no detailed information on alternative locations which would be both available and demonstrably more suitable than the appeal site. Regardless, I must consider the appeal proposals on their own merits.

30. Unless the nature of any proposed advertisement is, in itself, harmful to amenity or public safety, consent cannot be withheld because the content of any advertisement is considered to be misleading, unnecessary or offensive to public morals. Consequently, the content of the advertisements proposed is not a matter which has a bearing upon my decision on Appeal B.

### **Conditions**

31. The Council has not provided a list of suggested conditions that it considers would be appropriate in respect of either the proposed hub unit or the advertisements. The appellant has, however, made some suggestions. I have considered these and coupled them with my own thoughts having particular regard to the tests for imposing conditions set out within the NPPF and the content of the Planning Practice Guidance.
32. On Appeal A, condition 1 sets out the standard time limitation. Condition 2 is necessary to ensure that the proposed development is carried out in accordance with the approved plans for the reason of certainty. I have imposed condition 3 in order to ensure that the proposed hub is managed in a manner which is resilient to the likes of malfunctioning and vandalism in the interests of the character and appearance of the area.
33. On Appeal B, in addition to the standard conditions, I have imposed 6 conditions. These will exert control over the digital displays' illumination intensity and the advertisement duration and transition. They will prevent moving images, the emission of sounds and music, any resemblances to traffic signs and will secure a mechanism to ensure the displays are switched off, or default to an appropriate image, in the event of a malfunction. These conditions are necessary to prevent the illuminated advertisements from being too bright or resulting in effects or displays which would be distracting in the interests of public safety and amenity.

### **Conclusion**

34. The proposed development the subject of Appeal A accords with the development plan as a whole, and there are no material considerations which indicate a decision should be made other than one in accordance with it. Therefore, I conclude that Appeal A should be allowed, subject to the conditions in the attached schedule.
35. In respect of Appeal B, the effects of the proposed advertisements on amenity and public safety would be acceptable. Therefore, I conclude that the Appeal B should be allowed and consent be granted for the proposed advertisements subject to the standard conditions and the conditions within the attached schedule.

*H Jones*

INSPECTOR

## **Schedules of Conditions**

### **Appeal A**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:  
Shef-BL/2025/01 0  
Shef-BL/2025/03 0  
Shef-BL/2025/04 0
- 3) The development hereby permitted shall not be operated/brought into use until a management plan, setting out the means by which vandalism, graffiti and hub malfunctions shall be managed and rectified, has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be operated and managed in accordance with the approved management plan.

### **Appeal B**

- 1) The intensity of the illumination of the digital displays shall not exceed 2000cdm<sup>-2</sup> during the day and 600cdm<sup>-2</sup> during the hours of darkness.
- 2) The digital displays shall only display static images and shall not display moving images (including animation, flashing, scrolling, three dimensional, intermittent or video elements).
- 3) The minimum display time for each advert shall be 10 seconds and the change in advertisement display shall be instantaneous.
- 4) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.
- 5) No music or sound shall be emitted from the advertisements.
- 6) In the event of malfunction, the affected digital display(s) shall be immediately switched off, or default to a blank or black screen, and remain as such until the malfunction is rectified.