



Appeal Decisions

Site visit made on 19 September 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date:

Appeal A Ref: APP/C2741/W/25/3368267

Site of Former Slip Inn, Malton Road, Huntingdon York

- 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 Premier View Ltd against the decision of City of York Council.
- The application Ref is 25/00238/FUL.
- The development proposed is display of 2no. free standing LED screens fixed to a York Stone mounted plinth with installation of a pond and landscape alterations.

Appeal B Ref: APP/C2741/H/25/3367192

Site of Former Slip Inn, Malton Road, Huntingdon York

- 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 Ltd against the decision of City of York Council.
- The application Ref is 25/00239/ADV.
- The advertisement proposed is display of 2no. free standing LED screens fixed to a York Stone mounted plinth.

Decision

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. The decision notice and appeal form provide a clearer description of the development site location compared to what was provided on the application form. In the interests of clarity, I have therefore utilised the description as provided on the decision notice and appeal form.
3. Appeal A concerns the refusal of planning permission for the proposed development. Appeal B relates to the refusal of express consent to display advertisements on the hub as proposed under Appeal A. As they are intrinsically linked, I have combined both decisions into a single decision letter.

Main Issues

4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt, having regard to the Framework and any development plan policies, including any relevant effects on the openness of the Green Belt;
 - the effect of the proposals upon the visual amenity of the area;
 - the effects of the proposals on public safety; and,
 - the effect of the proposals upon biodiversity.

Reasons

Whether it is inappropriate development in the Green Belt

5. The appeal site is in the Green Belt. Paragraph 154 of the National Planning Policy Framework (the Framework) notes that development in the Green Belt should be regarded as inappropriate. Several exceptions to development in the Green Belt are listed at Paragraph 154 of the Framework. Policy GB1 of the York Local Plan 2025 (LP) is concerned with development within the Green Belt. It notes that development within the Green Belt is inappropriate, except where it would meet a list of exceptions. Policy H14 of the Huntington Neighbourhood Plan 2021 (HNP) also notes that development proposals for certain developments, will be supported provided that they meet a set of requirements. As such, the aims of Policy GB1 of the LP and Policy H14 of the HNP are broadly consistent with the Framework.
6. The appellant contends that in relation to this main issue, the only elements of the scheme overall which should be considered here are the provision of the pond feature with its hard and soft landscaping. It is argued that the York Stone plinth falls outside the scope of this assessment. Under section 336(1) of the Town and Country Planning Act 1990 (as amended), the term "advertisement" is defined to include any structure that is used or designed for the display of advertisements, or any object principally used for such a purpose. In accordance with this statutory definition, the plinth is deemed to be a structure intended primarily for the display of advertisements. Consequently, the evaluation has been confined to the pond feature and its landscaping components, excluding the plinth from consideration in this main issue.
7. The appellant observes that point (ix) of Policy GB1 of the Local Plan identifies engineering operations as a category of development that is not considered inappropriate within the Green Belt, provided that such development preserves its openness. A corresponding provision is found at Paragraph 154(h)(ii) of the National Planning Policy Framework, which similarly allows for engineering operations under the same condition. A similar requirement is found at Policy H14 of the HNP.
8. The Council has acknowledged that the proposed pond constitutes an engineering operation. In addition, as it would be integral to the implementation of the pond feature, I consider that the associated retaining wall would also qualify as an engineering operation. Accordingly, I shall now address the issue of openness and assess whether these components conflict with the fundamental purposes of including land within the Green Belt.
9. Openness is a fundamental attribute of the Green Belt, encompassing both spatial and visual dimensions. The appeal site is enclosed by mature trees and a grassed area located between Jockey Lane and Malton Road. Beyond Jockey Lane lies the substantial footprint of the LNER Community Stadium, together with the associated buildings and car parking facilities of the Vangarde and Monks Cross shopping parks.
10. While the appeal site is proximate to the suburban areas of York city centre, the intervening fields and tree cover serve to visually separate the site from the urban environment. As a result, the city centre is not immediately perceptible from the appeal site. When viewed independently of the backdrop formed by the Vangarde Shopping Park, the site retains a distinct sense of openness, both in terms of its

spatial configuration and visual character. This contributes positively to the overall openness of this part of the Green Belt.

11. In its current state, the appeal site comprises grassland interspersed with shrubs and is enclosed by clusters of mature trees. The proposed development would introduce a series of engineering interventions, specifically a pond and associated retaining walls, into an area where no existing built form is present. From a spatial perspective, this would result in the introduction of new physical structures within the Green Belt. However, in visual terms, the pond and the majority of the retaining walls would be positioned below ground level and integrated with landscaping treatments along their paved boundaries. The scheme would not include any above-ground structures of notable scale. Accordingly, the proposed works would not give rise to any material visual intrusion into the Green Belt. Given their subterranean nature and the extent of landscaping proposed, the development would preserve the visual openness of the Green Belt.
12. I now turn to the question of whether the proposed works would conflict with the purposes of including land within the Green Belt. These purposes are listed at Paragraph 143 of the Framework. Given the below-ground nature of the proposal, it would not contribute to the unrestricted sprawl of large built-up areas, nor would it result in any perceptible encroachment into the countryside. A substantial expanse of open fields would continue to separate the built-up area of York from the Vangarde Shopping Park.
13. By virtue of its scale and form, the development would not facilitate the merging of neighbouring towns. The proposal is low-level in nature, and where elements may be visible, they would appear visually associated with the adjacent large-scale modern development of the LNER Community Stadium and the accompanying infrastructure of the Vangarde Shopping Park, including its buildings and extensive car parking provision. This is a modern development which is located a notable distance from the historic setting and special character of York. The proposed development would therefore preserve its setting.
14. The appeal site is an area of grassland. I am conscious that both parties note that the appeal site is formally an area of land which was part of the Slip Inn. However, there is no convincing evidence before me to suggest that this is indeed an area of land that has previously been developed. My site visit corroborated this finding. The appeal site did not appear to have been previously developed. But, as this is not a point of contention between the parties, I find no reason to strongly disagree with an alternative view. Having regard to the preceding considerations, the proposal would not conflict with the objective of urban regeneration through the reuse of derelict or previously developed urban land.
15. As such, this element of the proposed development would meet the exception to development in the Green Belt, as found at Paragraph 154 (h) point ii of the Framework, point ix of Policy GB1 of the LP and Policy H14 of the HNP. It would constitute as an engineering operation, it would preserve the openness of the Green Belt and it would not conflict with the purposes of including land within it.

Visual amenity

16. The proposed advertisement would include a tall stone mounted plinth with a notable width. Its signage would include a pair of illuminated LED screens. The proposed advertisement and its associated development would be located on an

area of grassland situated between Jockey Lane and Malton Road. Whilst the appellant contends that this land is the site of the former Slip Inn, the appeal site and its wider context no longer show signs that any building was located on this site. This is due to its heavily grassland and shrub appearance.

17. To the north of the appeal site lies a substantial commercial zone comprising the LNER Community Stadium and the associated infrastructure of the Vangarde and Monks Cross Shopping Parks, including buildings and extensive car parking facilities. This commercial area is delineated by the surrounding highway network, namely Jockey Lane, Monks Cross Link, and Martello Way.
18. During my site visit, I was able to travel along these roads. It was observed that no development had extended beyond these highway boundaries, indicating a clear demarcation between the commercial built form and the adjoining undeveloped grassland. Development is contained by the highway and within the commercial area of the shopping parks and football stadium. The appeal is supported by a Landscape and Visual Appraisal (prepared by ADAS Landscape, dated June 2025). In my assessment of this appraisal, the images of the viewpoints provided corroborate this finding.
19. I am mindful that, although the commercial built form is physically contained within the surrounding highway network, there is a prominent presence of street furniture throughout the area. This includes street lighting, traffic signals, electrical service boxes, directional and regulatory road signage, and location identifiers. Such infrastructure represents standard features commonly found along highways. These are essential and different forms of development compared to that proposed in this appeal.
20. The appellant asserts that advertising signage is also present along the highway network. Examples of ponds are also highlighted as a common feature within this locality. These observations are accurate; however, it is important to note that such signage and pond developments appear to be confined to the highway corridor itself. They do not extend beyond it onto the grassland situated opposite the commercial development. As such, the appeal proposal differs in character and location from the existing signage, which remains visually and functionally associated with the LNER Community Stadium and the associated infrastructure of the Vangarde and Monks Cross Shopping Parks.
21. It is further contended that views of the proposed development would be restricted due to the surrounding vegetation enclosing the appeal site. However, Jockey Lane is a broad and open dual carriageway, offering extended sightlines along its length. As such, the development would be clearly visible from multiple vantage points along this route. From these perspectives, it would be readily apparent that the proposed advertisement and associated works are positioned beyond the physical limits defined by the highway infrastructure, occupying the grassland situated outside the established commercial boundary.
22. It follows that the proposed advertisement and its associated development would be positioned beyond the established commercial envelope formed by the existing shopping parks and the football stadium. Consequently, it would occupy a location where built development of this nature is absent. In this context, the scale of the advertisement and its visual prominence, particularly through the use of LED screens, would result in a discordant feature that sits incongruously beyond the

defined boundary of the commercial area. The introduction of such a visually assertive element into an otherwise undeveloped landscape would undermine the character of the surrounding undeveloped area. The incorporation of natural materials within the design would not sufficiently mitigate this visual harm.

23. Therefore, the location and position of the proposed advertisement and its associated development would appear harmful to the visual amenity of the area. Whilst only material considerations in relation to the advertisement element of this appeal, the proposed advertisement and associated development would be in conflict with Policies D1, D2, DP2 and D13 of the LP. It would also be in conflict with Policy H4 of the HLP. These policies require proposals to be appropriate in their location and position in creating a comfortable association between the built and natural environment, amongst other things.

Public safety

24. The appeal site is situated adjacent to Jockey Lane, a dual carriageway with a speed limit of 40 miles per hour, comprising two traffic lanes. Approaching the roundabout at the junction with Martello Way and Malton Road, an additional lane is introduced. This is a signal-controlled right-turn lane providing access to the nearby shopping parks. This turning lane is notably long and commences well before the location of the appeal site. Importantly, the traffic signal does not cause abrupt halts in the flow of traffic. Vehicles intending to turn right into the shopping park are expected to stop in accordance with the signal and the nature of the manoeuvre, which involves crossing oncoming traffic.
25. When approaching the roundabout at the junction of Martello Way and Malton Road, the proposed advertisement would be visible for a considerable duration. Although the display would be large in scale, it would consist of static imagery with transitions occurring via a gradual fade. At the permitted speed of 40 miles per hour along this stretch of Jockey Lane, evidence indicates that the advertisement would remain in view for approximately 12 seconds, allowing for a limited number of image changes during that time. Taking into account the distance from this section of Jockey Lane to the advertisement, the regulated speed limit, the presence of a substantial right-turn filter lane, the absence of traffic signals requiring unexpected stops, and the conventional highway layout, it is considered that the advertisement would not compromise driver safety or cause undue distraction when travelling in this particular direction.
26. I shall now turn to the effect of the proposed advertisement on highway safety when travelling in the opposite direction. The highway here remains a dual carriageway with a 40 miles per hour speed limit, comprising two traffic lanes. When travelling in this direction, the proposed advertisement would be to the right of the driver. In its proposed position, this would be close to the signal-controlled junction with Vangarde Way. Directly opposite the appeal site is a left-turn junction onto Vangarde Way, governed by a give-way arrangement. To facilitate right-turn movements into Vangarde Way from the opposing direction, a set of traffic signals are positioned along this stretch of Jockey Lane. The proposed advertisement would be situated near to this junction and would generally be visible to drivers travelling in both directions along Jockey Lane.
27. The appellant sets out that the advertisement would present a range of static images which would rotate every 10 seconds. It also notes that each image would

not contain any movement, animation, or flashing lights, with the interchange between each advertisement a gradual and smooth fade. It is suggested that such matters could be controlled by a suitably worded planning condition. It is also suggested that display would be erected with a mechanism to default to a blank screen if it was to break. A light sensor would also be fitted to adjust the brightness to change to ambient light levels. I am also cognisant that such matters could also be conditioned by a planning condition.

28. However, by their very nature, advertisements are intended to capture the attention of individuals. The appeal is accompanied by a Transport Issues Statement (prepared by Eddisons, dated November 2024). This statement also notes that all adverts seek to attract attention. In this instance, due to the proposed advertisement's position to the right of the carriageway, drivers approaching from this direction would need to turn their heads to view its content, thereby diverting their attention from the road ahead. This would require a driver to turn their field of vision away from the highway. This location is near the traffic signals governing the junction of Jockey Lane and Vangarde Way.
29. Notwithstanding the general straightforward nature of the highway network in its existing form, in the circumstances discussed above, the proposal would cause distraction near a signalised junction where drivers may be required to stop unexpectedly. Given the advertisement's placement, the available stopping distance on this 40 miles per hour route would be limited once the advertisement would come into readable view. This concern would be further compounded by the presence of other vehicles along this route, which would further restrict the space available for safe deceleration and stopping. As such, the proposed advert would cause a distraction in a location where it would be at a detriment to highway safety.
30. The appellant contends that the Council has previously supported signage in this location. An example is given of four sponsor signs on the roundabout to the southwest of the appeal site. Whilst a reference number is provided, no further details have been included. It is therefore not possible to corroborate this claim. However, owing to its location, I was able to view this example during my site visit. These examples are substantially smaller in size and of a different advertisement design to that proposed in this appeal.
31. The Transport Issues Statement notes that within the vicinity of the appeal site, no accidents have occurred between 2019 to 2024. However, this is in its existing form. This does not indicate that this situation would remain the same once the advertisement would be operational. Furthermore, in my analysis of this statement, little discussion is undertaken as for the presence of the junction at Vangarde Way and Jockey Lane and the effect of the proposed advertisement on highway safety.
32. I shall now turn to the illumination level of the proposed advertisement. The Council note that the LED screens would exceed the restricted amount of acceptable illumination levels during the day. The advert would be located within an E3 suburban zone. The appellant has provided the Brightness of Illuminated Advertisements Professional Lighting Guide 05 (IAPLG), which has been prepared by the Institution of Lighting Professionals. I have reviewed the contents of the IAPLG in the context of this appeal.

33. The IAPLG notes that during the daytime, sign luminance should never exceed 5000cd/m². The proposed advertisement would provide a luminance of up to 3000cd/m² during daylight hours. By reason of its proposed specification, the proposed advert would not exceed the guidance found within the IAPLG. I therefore do not find that the luminance of the proposal would cause an unacceptable harm to highway safety during daylight hours.
34. The IAPLG also notes that in E3 suburban zones, such as the appeal site, the maximum permitted recommended luminance is 600cd/m² during the night. At night, the appellant asserts that the proposal would have a luminance level of 300cd/m² and that this could be conditioned. The use of such a condition would be an appropriate mechanism to ensure that the luminance level does not exceed 300cd/m² within the hours of darkness. Therefore, the luminance of the proposed advert would not have an unacceptable effect upon highway safety during the hours of darkness.
35. My assessment of this proposal against this main issue which concerns highway safety has thus far been confined to the effect of the advertisement itself. I shall now turn to the associated development also under consideration in this appeal. This includes the provision of the pond feature with its hard and soft landscaping. Owing to its low-level nature, these elements of the associated development of the advertisement would not in themselves cause an unacceptable impact on highway safety.
36. In conclusion and in drawing the above considerations together, the location and position of the proposed advertisement would have a detrimental effect upon public safety, with specific regard to the safe operation of the highway. Whilst only material considerations in relation to the advertisement element of this appeal, the proposal would conflict with Policy D13 of the LP and Policy H4 of the HNP. These policies require development, including advertisements, to reflect the interests of public safety and to provide safe public spaces.

Biodiversity

37. Policy G12 of the LP seeks to conserve and enhance the biodiversity of York. It requires where appropriate, the compliance with The Environment Act, which sets out a mandatory requirement for development to deliver at least a 10% biodiversity net gain. Similarly, Policy H17 of the HNP notes that development proposals should, as appropriate, maintain and enhance existing ecological corridors, and incorporate features that would lead to net gains in biodiversity, amongst other things.
38. The Planning Practice Guidance on this matter notes that a development that does not impact a priority habitat and impacts less than 25m² would be below the threshold and is therefore exempt from mandatory net gain requirements. The Council have concluded that the site would be below this threshold. There is no convincing evidence before me to suggest that the appeal site would be located within, or impact on a priority habitat. In bringing these policy and guidance considerations together, I must therefore conclude that there would be no conflict with Policy G12 of the LP or Policy H17 of the HNP.

Conclusion

39. For the reasons given above, I conclude that the proposed advertisement would be detrimental to the visual amenity of the area and to the detriment of public safety. Therefore, the appeal should be dismissed.

J Smith

INSPECTOR