

# Appeal Decision

Site visit made on 23 September 2025

**by Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 03 November 2025

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**Appeal Ref: APP/U2750/Z/25/3369798**

**65 High Street (Starbeck), Harrogate HG2 7LQ**

- 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 North Yorkshire Council.
  - The application Ref is ZC25/01016/ADV.
  - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters and background

2. The Regulations require that decisions are made only in the interests of amenity and public safety. This is confirmed by the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG). Therefore, while I have taken into account the policies that the Council consider relevant, they have not been decisive in my determination of the appeal.
3. The proposal is in the setting of a listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) does not apply to advertisements because the statutory duty only applies to a grant of planning permission. However, the PPG advises that factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural or historic interest. I have therefore taken into account the presence of the listed building.

## Main Issues

4. The main issues are the effects of the proposed advertisement on amenity and public safety.

## Reasons

### *Amenity*

5. The appeal relates to the side elevation of No 65, which is a 2-storey property at the junction of the A59 High Street and Albert Place. It is part of a terrace with ground floor commercial premises. Neighbouring properties have been painted, but No 65 is finished in red brick with decorative brickwork, and the row have modest dormer roof extensions. Elsewhere, stone and slate roof buildings predominate. Notwithstanding contemporary ground floor commercial premises, the High Street has a traditional character and appearance.

6. The Church of St Andrew, Grade II listed building (ref 1247796) (the LB), lies on the opposite side of High Street. The LB dates from 1910 and it is finished in coursed rubble stone with ashlar dressings, a chamfered plinth and quoins. The High Street front has a canted projection with buttresses, and a 5-light pointed arch window with panel tracery. The Belmont Avenue front has a projecting single storey porch with pointed arch doorway, broad buttresses and parapet, and aisle with mullion windows, with tall pointed arch windows with reticulated tracery above. It is a prominent and imposing building in a relatively open setting comprising the modestly scaled and traditional surrounding townscape and verdant park.
7. The existing externally illuminated advertisement is a well-established feature of this locality, having been in place for over 10 years and it benefits from deemed consent. It would be replaced with an internally illuminated digital display that would be around 3m tall and 6m wide and elevated roughly 3.8m above the ground. The proposed advertisement would display sequential static imagery with instantaneous change over every 10 seconds. Illuminance would be limited to 300cd/sqm between dusk and dawn and up to 5000cd/sqm during the day, in line with ambient light levels and Institute of Lighting Professionals guidance.
8. On the basis of its dimensions alone, the proposal would be similar to the existing advertisement. In relation to the display, Inspectors elsewhere<sup>1</sup> have found that the quality of static illuminated images would mimic an externally illuminated poster. Nevertheless, by virtue of its illuminated changing imagery, the proposal would be markedly different and more conspicuous than the existing.
9. The parade has a vibrant commercial character, in part due to the existing High Street signage. However, the substantially large and elevated appeal advertisement would be out of character with the High Street signage, which appears to be mainly at ground floor level, smaller scale and generally related to the host premises. The nearby illuminated signage and street lighting would not integrate the proposal into its surroundings. The overtly contemporary proposal would also be dominant and discordant in the visual context of the historic Church of St Andrew. By virtue of scale and changing illuminated imagery, it would detract from the traditional setting and views towards the LB. Consequently, the proposal would not make a positive contribution to local distinctiveness or sense of place.
10. At a strategic level, the programme of upgrades to digital advertising has resulted in a reduction in the number of advertising sites and a reduction of advertising clutter. However, there would be no reduction in the number of advertisements in this location. The large changing display would therefore contribute to visual clutter.
11. Digital advertising has been found acceptable in conservation areas and near listed buildings elsewhere. At Bridge Street Mansfield (ref 2024/0250/ADV), a digital display replaced a more bulky externally illuminated hoarding and it screened the unsightly blank elevation of a tall 3-storey building. At Church Street Ilfracombe (appeal ref APP/X1118/Z/20/3265565), a single digital display replaced 2 paper and paste signs. These and other schemes in different administrative areas and different surrounding contexts are not directly comparable and do not provide a justification for this appeal.
12. Therefore, I find that the proposed advertisement would harm visual amenity. Although not determinative, I have taken into account the policies in the Harrogate

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<sup>1</sup> Ref APP/B4215/Z/22/3303626

District Local Plan Adopted March 2020 (the LP). As the proposal would harm amenity, it would conflict with the aims of LP policies HP2 and HP3 in relation to protecting and respecting the historic environment and local distinctiveness.

### *Public safety*

13. The A59 is an arterial route that links Knaresborough to the centre of Harrogate. At this point along Starbeck High Street, it is a well lit single carriageway road subject to a 30mph limit. Travelling in a south-westerly direction along the A59, and close to the appeal site, there are staggered junctions to either side of the road with central turning lanes together with a bus stop adjacent to the public park. Roughly 10m beyond the appeal site, there is a controlled pedestrian crossing.
14. The High Street and its urban environs comprise a mix of uses including commercial, residential, schools and community facilities. These include the commercial premises and residential units along High Street, wider residential area, Special Educational Needs school, church, public library and transport links including train station and bus stop. Therefore, in addition to through traffic, there is local traffic and much pedestrian movement in this area. Taking into account the road layout and the characteristics of the area, this does not appear to be an uncomplicated location that drivers could navigate with ease. Rather, road users would need to be alert to turning vehicles and cyclists and pedestrians, the latter including the more vulnerable such as children and the elderly.
15. There is good forward visibility along the A59. However, looking along High Street, the proposal would be obscured by street trees. The submitted Highway Technical Note (the HTN) states that it would be only partially or fully visible to passing traffic for a distance of less than 50m. Drivers would not therefore have the opportunity to assimilate the digital display until it suddenly emerged into view from behind the trees at relatively close range. The HTN considers the short window of visibility to passing traffic would mean drivers would be unlikely to observe more than 1 static image or 1 transition between images, in which case it would not be perceived differently to the existing advertisement. However, as transitions would be instantaneous, drivers observing a transition would see 2 sequential images, which would be clearly different and more distracting than the existing advertisement.
16. Even if the proposal would be visible to drivers on the A59 sufficiently in advance so they could react safely to the lights at the controlled crossing, the digital changing imagery would attract attention in locations around the bus stop, the Belmont Avenue and Albert Place junctions, and vehicles queuing in the turning lanes and towards the controlled crossing. However, the HTN fails to adequately characterise and assess driver and pedestrian activity and potential impacts in the totality of the zone within which road users would experience the proposal. Even momentary distraction resulting from the illuminated, high resolution sequential imagery could affect driver and pedestrian behaviour and increase the risk of accidents and incidents to the detriment of the safe operation of the highway.
17. There appears to be a reliance in part on tree canopies to mitigate adverse effects. However, even if vegetation was not temporary and could be guaranteed to exist for the lifetime of the advertisement, tree canopies would alter over time. Moreover, at times of year when trees are not in leaf, the changing illuminated display would be more visible through bare canopies and at greater distances. Drivers would be

exposed to a greater number of transitions and could be distracted for longer trying to assimilate the only partially obscured sequential imagery in filtered views.

18. CrashMap records indicate a low number of accidents in the past 5 years and there is little evidence the existing advertisement has contributed to any accidents. However, it does not automatically follow that a digital display in this location would not be detrimental to public safety. The appellant considers that there is no evidence that static digital displays are any more distracting than paper and paste adverts. However, the small sample of digital advertisements included in the HTN is not a comprehensive review or compelling evidence base in this regard.
19. Indeed, the Regulations and the PPG indicate that advertisements can harm public safety. The PPG is clear that all advertisements are intended to attract attention but those at points where drivers need to take more care are more likely to affect public safety. It lists the main types of advertisements which may cause danger to road users as including externally or internally illuminated signs including those utilising light emitting diode technology which are subject to frequent changes of the display. With reference to this, I have found the appeal advertisement is of a type and in a location where it would be likely to affect public safety.
20. Therefore, I conclude that the proposed advertisement would harm public safety.

### **Other Matters**

21. While there are public benefits associated with advertising, advertisements are subject to control only in the interests of amenity and public safety. There is little indication in the Regulations or the Framework that any other factors should be taken into account either for or against proposed advertisements in urban areas.
22. I note the dispute and apparent misunderstanding in relation to permissible illumination levels in this location. However, it does not alter my findings. Conditions could be imposed to control the display and the luminance levels in accordance with best practice guidance. However, while such conditions may be routinely used, there is little substantive evidence that the harm I have found in this location could be satisfactorily mitigated by conditions.

### **Conclusion**

23. For the reasons set out above, I conclude that the appeal would harm amenity and public safety. Therefore, I conclude that the appeal should be dismissed.

*Sarah Manchester*

INSPECTOR