



Appeal Decision

Site visit made on 25 February 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2025

Appeal Ref: APP/R4408/Z/24/3355379

Land to the south of Unit 1 and 2 Old Mill Lane, Barnsley S71 1LL

- 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 Barnsley Metropolitan Borough Council.
 - The application Ref is 2024/0712.
The advertisement proposed is described as 'Installation of 1 x 48 sheet digital free-standing LED illumination advertisement display panel'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council have amended the description as set out in the banner heading above. It is not clear if the appellant agreed to the change, but in the interests of clarity and completeness, I have determined the appeal on this basis, as it more precisely reflects the proposal.

Main Issue

3. The Council does not object to the proposed advertisement on public safety grounds, and I see no reason to disagree. Therefore, the main issue is the effect of the proposal on the amenity of the area.

Reasons

4. The appeal site lies to the south of Units 1 and 2 Old Mill Lane, which are occupied by The Salvation Army and Greggs respectively. It comprises a grassed area between an electricity substation and Unit 2, a modern commercial building with a mono pitch roof design. Lying close to the signalised junction of Old Mill Lane and Old Tannery Road, the surrounding area is predominantly commercial with retail units forming a corridor along this side of the road. In addition to the corporate signage on the retail units themselves, there are also three freestanding digital display advertisements close by. Two of these are sited facing the roadside adjacent to Unit 1, and the other is located within the yard of an MOT centre to the north, orientated south. An additional paper display also faces north in this vicinity.
5. The advertisement would be seen alongside the adjacent building, Unit 2 occupied by Greggs. At the height proposed, the hoarding would visually compete with this building, projecting above the adjacent eaves level such that this advertisement would be domineering and jarring to the visual amenity of the area, thereby

causing harm. Therefore, due to its excessive size and siting, the proposed advertisement would be an unduly prominent feature in the street-scene and would be unsympathetic to nearby built form.

6. Support for my reasoning is found in the Council's Supplementary Planning Document: Advertisements (2019) which guides that advertisements should have regard for the design, scale and proportions of the building or site on which they are displayed. The proposal would fall short in this respect and so would run counter to this guidance.
7. The Council cite harm due to a perceived oversupply of digital display advertisements in a concentrated area. As the proposed display would be located immediately adjacent to an existing commercial unit, it would not inappropriately extend the commercial corridor to the south. It would only be seen in the same landscape as the other digital display advertisements from the east, where, due to the separation distances between them, the street-scene would not appear overtly cluttered. Consequently, I do not find that the proposal would cause cumulative harm through an over concentration of advertisements in the locality. Nevertheless, this would not surmount the harm that I had identified.
8. Details of the existing displays have been drawn to my attention by the appellant.¹ Unlike, those examples, the proposed advertisement would have a different relationship with the adjacent building which would be unacceptably harmful.
9. In support of this appeal, the appellant has drawn my attention to what they consider to be three other comparable advertisements in the borough that have gained consent from the Council. However, two of these are positioned alongside or affixed to buildings of scale, such that the adverts do not compete or dominate, of which one is a replacement of an existing. The other, at Victoria Crescent West, replaced existing signage that was significantly larger, which is not the case here. As such, none of these examples provided are directly comparable to the appeal before me. Therefore, they do not alter my conclusions on the harm in this instance.
10. The appellant has also referred to the ability to control levels of illuminance and the nature of changing images by condition. However, such conditions would not overcome my fundamental concerns regarding the size of the display and its configuration with nearby built form.
11. Notwithstanding my findings on cumulative impacts, due to its size and siting the proposed advertisement would have an unacceptable effect on the amenity of the area. The proposal runs counter to paragraph of 141 of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.
12. Insofar as is relevant to the matters of amenity, I have had regard to policies in the development plan. The proposal would conflict with Policy D1 of the Barnsley Local Plan (2019) which seeks to protect amenity through expecting high quality design and place making in the public realm.
13. For the reasons given above, I find that the proposed advertisement would have an unacceptable impact on amenity.

¹ As set out in Appendices 2, 3 and 4 of the appellant's Appeal Statement of Case and as depicted on Figure 2.

Other Matters

14. The benefits of digital advertising have been set out by the appellant. These include, but are not limited to, local economic benefits, the likely reduction in demand for other sites due to the capabilities of displaying 6 campaigns at a time, the removal of multiple advertisement sites and panels, and a reduction in clutter. I acknowledge that the advertisement could bring about positive benefits to the local economy. However, the regime of advertisement control has a limited scope and is exercised in the interests of amenity and public safety. Furthermore, it is not before me that this specific proposal would directly result in the removal of other signs, and so, this does not alter my findings in relation to the effect on amenity.

Conclusion

15. For the reasons given above, and having regard to all matters raised, I conclude that the display of the advertisement would be detrimental to the interests of amenity. Therefore, the appeal is dismissed.

C Walker

INSPECTOR