The Planning Inspectorate

Appeal Decision

Site visit made on 12 July 2022 by Andreea Spataru BA (Hons) MA

Decision by H Nicholls FdA MSc MTRPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2022

Appeal Ref: APP/R4408/Z/22/3299189
Wombwell Lane, Adj. Tesco, Barnsley S70 3NS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Poster Property Limited against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2022/0243, dated 24 February 2022, was decided by a notice dated 29 April 2022.
- The development proposed is described as "removal of existing 96 sheet advert and replacement with 48 sheet advert to support a freestanding digital poster and installation of new 48 sheet advert."

Decision

1. The appeal is allowed and advertisement consent is granted for the removal of the existing 96 sheet advert and its replacement with a 48 sheet advert to support a freestanding digital poster at Wombwell Lane, Adj. Tesco, Barnsley S70 3NS in accordance with the terms of the application ref 2022/0243, dated 24 February 2022, subject to the standard conditions set out in the Regulations and the following additional conditions:

    1) The development hereby permitted shall be carried out strictly in accordance with the plans Nos 011-0401-1007-PA-03 & 011-0401-1007-PA-04, and specifications as approved.

    2) All planting, seeding or turfing comprised in the approved details of landscaping plan no 011-0401-1007-PA-03 shall be carried out no later than the first planting and seeding season following the completion of the advert. Any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

2. The appeal is dismissed insofar as it relates to the installation of a new 48 sheet advert.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matters

4. Whilst the appellant has stated that the appeal concerns only the part of the proposal that has been refused by the Council, I have to consider the development as initially applied for, and as described above, with all its elements.

5. The Council has drawn my attention to the policies it considers relevant to this appeal, and I have taken them into account as a material consideration where relevant. However, powers under the Regulations[1] to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance reiterates this approach. Therefore, in my determination of this appeal, the Council's policies have not, in themselves, been decisive.

Main Issue

6. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

7. The appeal site is located on the eastern side of Wombwell Lane, which is one of the roads that lead to Barnsley town centre. The immediate surroundings of the appeal site vary in character and appearance, as the verdant background of the appeal site contrasts with the busy, commercial nature of the retail park that is located opposite, on the western side of the road.

8. Whilst there are, and have been for some time, several advertisements on the eastern side of Wombwell Lane, there is generally less visual cluster, when compared to the western side of the road. The green and open character of this part of the road contributes positively to the overall appearance of the street scene.

9. The proposal comprises of the replacement of a 96 sheet advert with a digital 48 sheet advert, and the installation of a new 48 sheet digital advert. The existing advert, which is located on the eastern side of Wombwell Lane, opposite the retail park, has been there for some time. The new one would be located on the same side of the road, some metres away, to the north of the existing advert.

10. From what I have seen and read, and particularly because of the site history of the existing advert, I have no reason to disagree with the Council's findings on the replacement of the existing advert with a 48 sheet digital advert. Thus, I consider the replacement acceptable in these circumstances. Consequently, and in line with the Council's decision on this matter, I recommend conditions to specify the relevant plan numbers in order to provide certainty, and to ensure that any planting becomes well established and maintained.

11. The new digital advert would be installed approximately 2.4m from the ground and the LED screen itself would measure 6m in width and 3m in height. It would be located at an angle with Wombwell Lane, facing particularly towards northbound traffic, and would display static images that would have the option to change every 10 seconds.

[1] The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

12. Given its large size, elevated position, illumination, and location against the foliage, the advertisement would appear as a highly prominent and incongruous feature within the street scene. Irrespective of the current use of the green space, and notwithstanding the context of the busy road, the proposal does not justify an increase in the visual clutter in this specific part of the street scene.

13. I do not find the proposal directly comparable to the existing signs within the retail area, particularly because the character of the eastern side, on this specific section of the road, differs from that of the western side.

14. Likewise, it is not directly comparable with the replacement advert, particularly because it would introduce a large, illuminated sign where there is currently green open space. Furthermore, whilst the existing 96 sheet advert would be replaced with a smaller one, this does not warrant the introduction of a new advert in the location proposed.

15. Notwithstanding the quality of the proposed materials and landscaping, these elements are not sufficient to make the new advert acceptable.

16. I have considered the appellant's suggested conditions, including the proposed limit for the luminance level and a minimum time for an image to be displayed. However, these would not be sufficient to mitigate the overall harm that I have identified above, which is caused, only partially, by the illumination and nature of the display. Therefore, the proposed new advert would cause harm to the visual amenity of the area, contrary to the Regulations.

Other matters

17. I did notice some other large digital advertisements on the eastern side of Wombwell Lane during my site visit, although they did not have the same green background that the new advert would. Moreover, I do not have full details of those, and nonetheless each case has to be considered on its own merits and site-specific circumstances.

18. I note that apart from the concerns over the visual amenity of the area, there have not been other issues raised. However, these are neutral matters rather than ones that carry positive weight for the new advert.

19. Whilst I acknowledge the environmental, social, and economic benefits outlined by the appellant regarding digital advertisements, these matters would not outweigh the harm to the visual amenity.

Recommendation

20. For the reasons given above and having regard to all other matters raised, I recommend that a split decision is made such that the appeal is allowed in relation to the replacement advert and dismissed in relation to the new advert.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed in relation to the replacement advert and dismissed in relation to the new advert.

Hollie Nicholls

INSPECTOR