



Appeal Decision

Site Visit made on 20 April 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/R4408/Z/21/3266463

20B Racecommon Road, Barnsley S70 1BH

- 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 Mr Richard Page (Wildstone Group Ltd) against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2020/1077, dated 16 September 2020, was refused by notice dated 18 November 2020.
 - The advertisement proposed is described as update of existing 48-sheet advertising display to a 48-sheet digital advertising display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, and therefore the Council's policies and supplementary planning document for advertisements have not been decisive in my assessment.

Main Issues

3. The main issues are the effect of the proposed advertisement on local amenity and public safety.

Reasons

Public safety

4. The appeal site is the gable end of 20B Racecommon Road, which lies a short distance from the busy six-arm Townend Roundabout in the city centre. A signalised pedestrian crossing is situated adjacent to the site. The Council's objection to the proposed advertisement on public safety grounds has been informed by an objection from the Highway Authority. Concerns are raised regarding the potential for distraction for motorists in a location close to the pedestrian crossing.
5. I have had careful regard to the appellant's assessment of highway safety matters. I am informed that the distance from the Townend Roundabout exit is in line with Manual for Streets Stopping Distance for a 30mph road speed. I also note that none of the recent accidents in the vicinity are attributed to the existing advertisement, which has been present for some time.
6. Nonetheless, the replacement advertisement would be LED illuminated and the images would change every ten seconds. Even though this change would be

silent and instantaneous, at the point of change the vibrant images would have the potential to catch the attention of southbound drivers for a more prolonged period at a location where greater concentration on the road is required. This could reduce the time to assess potential risks such as stopping vehicles or crossing pedestrians, thereby increasing the risk of an accident in this location.

7. In reasoning the above, I acknowledge that digital advertisements can be acceptable in appropriate locations and that conditions could control the operation of the advertisement. However, based on the site specific circumstances, it is my judgement that a large illuminated LED advertisement with changing images is likely to be distracting for some drivers in this particular location.
8. I conclude, on this issue, that the proposed advertisement would result in an adverse and unacceptable impact on public safety, contrary to the aims of the Framework in this respect.

Amenity

9. The Council states that the existing advertisement did not receive formal consent, but does not dispute the appellant's contention that it benefits from deemed consent due to the period of time it has been present. Thus, notwithstanding the Council's concerns over the size and siting of the existing advertisement, it is a long-established part of the built environment.
10. The proposed digital display would be similar in size and siting to the existing advertisement. It would be framed against the end of the building where it would only be visible from the north and set back from the immediate vicinity of the roundabout. As an upgrade of the existing advertisement and in the context of predominantly commercial surroundings, I am satisfied that the digital display would not be a visually intrusive addition to the street scene, or lead to an over-commercialisation of the surrounding area.
11. The planning officer's report refers to a recently dismissed appeal relating to a digital advertisement at the FG Tyres and Garage, which lies immediately to the north. I have not been provided with the details of that case, but from the limited information before me, the proposal was closer to the roundabout and was not a replacement of an existing advertisement. The circumstances are therefore not directly comparable, and in any event, I have considered this appeal on its own merits.
12. I conclude, on this issue, that the proposed advertisement would not cause undue harm to amenity, and therefore complies with the Framework in this respect.

Conclusion

13. For the reasons given above, I conclude that the display of the advertisement would be detrimental to the interests of public safety. This provides a clear justification for finding the proposal to be unacceptable and therefore the appeal should be dismissed.

A Caines

INSPECTOR