The Planning Inspectorate

Appeal Decision

Site visit made on 4 January 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/R4408/Z/21/3278645
Grange Lane, Barnsley, S71 5AA

- 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 Wildstone Group Limited against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2021/0470, dated 22 March 2021, was refused by notice dated 20 May 2021.
- The advertisement proposed is the upgrade of two existing 48 sheet adverts to support digital poster.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of the proposed advertisements set out in the banner heading above, which is taken from the application form, the appellant has submitted amended proposals as part of the appeal to remove the existing 48 sheet advertisement nearest to the residential properties from the scheme in its entirety. Therefore, permission is sought for the upgrade of the 48 sheet advertisement closest to the roundabout to support a digital poster with the details of this proposal, including the repositioned fence and planting, remaining the same as originally applied for. I have considered the appeal on that basis as neither party would be prejudiced or caused any injustice by me taking this course of action.

Main Issues

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

Reasons

Amenity

4. The appeal site is located on the western side of Grange Lane and is viewed against a backdrop of vegetation and trees on a bankside which rises steeply up to the Trans Pennine Trail. The trail passes over Grange Lane via a bridge just to the south of the appeal site. Beneath the bridge, Grange Lane leads to the busy Stairfoot Roundabout whilst just to the north terraced houses line the road frontage. Opposite the appeal site is a slip road leading to Doncaster Road with a landscaped border of shrubs and small trees along the roadside, behind which is an open grassy area, fringed with trees, on gently rising ground and across which runs a further branch of the Trans Pennine Trail.

5. Despite the heavily trafficked road, proximity to the roundabout, and some commercial and industrial uses in the wider area, the overriding character of the immediate locality is of an open green corridor flanking the roadside with nearby recreational routes and residential properties. It is generally free from clutter and commercial advertisements (aside from the appeal site), and external lighting is mainly from streetlights.

6. The appeal proposal will replace the existing two display hoardings with a single, internally illuminated digital poster of similar size to the existing southern display hoarding but repositioned closer to the bridge, elevated to sit above an existing brick wall, and angled to face on-coming traffic from the north. The digital poster would display static images with instant changes no more frequently than once every ten seconds. The level of illumination would be in accordance with guidelines stipulated by the Institution of Lighting Professionals, and the illumination level adjusted to reflect the existing poster display.

7. The illuminated, frequently changing commercial images displayed on the appeal proposal would be incongruous when seen against the verdant backdrop of the unlit bankside and open space opposite. It would also be visually harmful to the residential character of the surrounding area and impact on views from the Trans Pennine Trail. Although the appeal proposal has been substantially amended to remove one of the existing hoardings, the visual impact of the single digital poster would be substantially greater than the existing situation, and the raising of its height and angling towards the road would further increase its prominence. As such the appeal proposal would appear as a prominent, inharmonious, and visually intrusive feature in the area, especially at night.

8. Whilst the level of illumination could be controlled, due to its position, size and changing displays, even low luminance settings would give the proposal an over-stated commercial connotation and would be out of keeping with its immediate setting and particularly evident during the hours of darkness. Such an effect would not be mitigated in my view by proposed additional landscaping.

9. I conclude that the appeal proposal would have a harmful effect on amenity, contrary to Policy D1 of the Barnsley Local Plan (LP) (adopted 2019) and the Supplementary Planning Document 'Advertisements' (SPD)(adopted 2019) which together seek to ensure that advertisements are sensitively located in the streetscene and avoid an aggressively commercial appearance which can have a damaging impact on the visual character of an area. There is also conflict with paragraph 136 of the National Planning Policy Framework (the Framework) which states that the quality and character of places can suffer when advertisements are poorly sited and designed. The LP policies have been considered to the extent permitted by the Framework which limits assessment of advertisements to visual amenity and public safety.

Public Safety

10. The Planning Practice Guidance (PPG) recognises that advertisements are intended to attract attention, but proposed advertisements are more likely to affect public safety where drivers need to take care, including at road junctions. The PPG gives examples of advertisements which may cause a danger to road users including where they would confuse a road-user's view,

reduce the clarity or effectiveness of a traffic sign or signal, or distract because of their unusual nature. Internally illuminated signs may also cause danger from glare or dazzle, or distraction caused by frequent changes of display.

11. Despite recent road improvements, the Council notes that traffic can still back up past the appeal site on the approach to the roundabout and I witnessed this on my site visit. The proposed digital poster therefore has the potential to distract motorists as they could fail to notice traffic coming to a stop ahead, fail to notice relevant road signage or be distracted by the changing adverts whilst stationary, albeit that the adverts would only change instantly every ten seconds.

12. The appellant considers that the reduction in advertising on the site would be an improvement on the existing situation and notes that the Council's Highways team did not appear to object to the proposal. However, based on my experience of travelling this road and observing the position and visual impact of the existing hoardings in relation to the appeal proposal, the illumination of the sign and changing images, combined with the more conspicuous location, would be an unacceptable distraction to road-users, especially at night.

13. I therefore conclude that the proposal has the potential to cause increased distraction to highway users. As such, the proposal would negatively impact on public safety and conflict with Policy T4 of the LP and the SPD, which seek, amongst other things, to ensure that new development is designed to provide all transport users with safe and secure access and movement. It also conflicts with Paragraph 136 of the Framework and Paragraphs 067 and 068 of the PPG.

Other Matters

14. I have had regard to the benefits of the proposal in terms of fewer visits to replace the posters, less paper waste and the potential to display public messages. However, these matters do not outweigh the harm I have identified.

15. The appellant raises concerns over the conduct of the Council during the application process. Such concerns should normally be addressed through the Council's own complaints service in the first instance.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the display of the advertisement would be detrimental to the interests of amenity and public safety.

G Bayliss

INSPECTOR