



Appeal Decision

Site visit made on 9 July 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2024

Appeal Ref: APP/B4215/H/23/3330794

Land at 166/170 Wilmslow Road, Manchester M14 5LG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against conditions imposed when granting express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Manchester City Council.
 - The application Ref 137582/AOH/2023 was approved on 5 September 2023 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is conversion of poster advertisement to D-Poster.
 - The condition in dispute is No 1 Part C which states that: On the date of the expiry of the express consent period in (a) above the advertisement hoarding(s) and all associated development shall be removed, any use of the land authorised by this consent shall be discontinued, and the land/building shall be reinstated in accordance with a scheme previously approved.
 - The reasons given for the conditions is: To enable the City Council to consider the acceptability of the continuance of the display of the advertisement hoarding(s) at the site on the expiry of the period of express consent, having regard to visual amenity and changing circumstances in the locality in order to comply with saved policies DC15 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy (2012).
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Decision

1. The appeal is allowed and the express consent Ref 137582/AOH/2023 for conversion of poster advertisement to D-Poster at Land at 166/170 Wilmslow Road, Manchester M14 5LG granted on 5 September 2023 by Manchester City Council is varied by deleting condition No 1 Part C.

Background and Main Issue

2. Consent was granted for the conversion of a poster advertisement to a D-poster, subject to conditions on 5 September 2023. Condition 1 Part C required that "On the date of the expiry of the express consent period in (a) above the advertisement hoarding and all associated development shall be removed, any use of the land authorised by this consent shall be discontinued, and the land/building shall be reinstated in accordance with a scheme previously approved" and the reason given was to allow the City Council to consider the acceptability of the continuance of the display of the advertisement hoarding at the site on the expiry of the period of express consent, having regard to visual amenity and changing circumstances of the locality. The appellant is seeking the removal of this condition.
 3. The main issue is whether condition 1 Part C is reasonable and necessary in the interests of public safety and amenity.
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Reasons

4. The appeal relates to the site of an existing poster advertisement on Wilmslow Road close to a traffic light controlled junction. It is close to a second digital advertisement hoarding on the same piece of land.
5. At the time of the decision the Council considered the digital display advertisement to be acceptable in terms of amenity and public safety including the effect of it on road users of the traffic light controlled junction. However, the condition was imposed as the advertisement is in a prominent position and it is likely to change the effect on local amenity and road safety and to allow the Council to assess if it would still be acceptable at the end of the consent period.
6. However, the Planning Policy Guidance (PPG)¹ is clear that a condition should not be imposed as a matter of general policy to prevent the operation of Class 14 of the Regulations, which allow for deemed consent for advertisements after the expiry of the period of express consent. The appellant has stated that for this scheme it would place an unfair constraint on them to erect the proposed advertisement and market it for an advertiser and then remove of it after a short period of operation.
7. Notwithstanding the Council's wish to reserve the right to appraise the scheme's acceptability at the end of the express consent period, there is no substantive evidence before me to indicate that the advertisement would be unacceptable at the end of this period. However, if it were considered necessary to remove the digital advertisement following the period of express consent, for reasons of road safety, the Council could serve notice to discontinue the advertisement.
8. I conclude that condition 1 part C is neither reasonable or necessary in the interests of public safety and amenity.

Conclusion

9. For the reasons given above I conclude that the appeal should succeed. I will grant a new advertisement consent without the disputed condition.

H Senior

INSPECTOR

¹ Paragraph: 034 Reference ID: 18b-034-20140306