



Appeal Decision

Site visit made on 28 June 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2024

Appeal Ref: APP/B4215/Z/24/3340989

Advertising Station adjacent Blue Bell Inn, Barlow Road, Manchester M19 3HF

- 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 Group Limited against the decision of Manchester City Council.
 - The application Ref is 138731/AOH/2023.
 - The advertisement proposed is replacement of 3no. poster advertisement displays to 1no. D-poster.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) state that advertisements should be subject to control only in the interests of amenity and public safety. The parties have drawn my attention to policies set out in the Core Strategy Development Plan Document for the City of Manchester (2012) (CS) and saved policies within the Unitary Development Plan for the City of Manchester (1995) (UDP). Although not determinative, I have taken these into account as material considerations in so far as they are relevant to amenity.
3. The Places for Everyone Joint Development Plan (PfE) was adopted on 21 March 2024 by nine Greater Manchester authorities, including Manchester City Council. PfE Policy JP-S1 partially replaces CS Policy S1 referred to in the Council's decision notice, in relation to its requirement that development minimises emissions, ensures efficient use of natural resources and reuses previously developed land. Views from the parties have been sought on this matter and the Council have confirmed that PfE Policy JP-S1 only adds support to CS Policy S1. I am, therefore, satisfied that the adoption of the PfE has not had an impact on the stated policies in the Council's decision notice as relevant to the appeal.

Main Issue

4. The Council does not raise concerns in relation to the effects of the proposal on public safety and I have no reason to find otherwise on the basis of the

evidence before me and my observations on site. Therefore, the main issue in this appeal is the effect of the advertisement on the visual amenity of the area.

Reasons

5. The appeal site is on the south side of Barlow Road and incorporates hoardings partially enclosing an area of land to the rear which appeared to be used for the sale and storage of tyres. The site currently supports 3no. 48-sheet poster advertisement panels: 2no. at the back edge of the pavement parallel to Barlow Road; and 1no. angle toward Barlow Road to be visible to oncoming traffic from the west. A photograph in the appellant's evidence from September 2008 shows the 3no. poster advertisements externally illuminated, but I observed on my site visit that this is no longer the case.
6. The proposal is to replace these 3no. advertisement panels with a new digital display D-poster, angled and in the same position as the existing advertisement most visible from Barlow Road. The proposed display would be comparable in size to those it would replace, measuring around 6m (w) by 3m (h) but would be freestanding and elevated higher, around 2m above the ground.
7. The display would be illuminated and controls in the digital panels, including light sensors and timers, would mean that the brightness would be adjusted to be seen clearly in different conditions and it would not exceed 300cd/m² during times of darkness, as recommended by the Institute of Lighting Professionals. These matters could be controlled by condition, which is noted by the appellant. However, even acknowledging the controls suggested in this respect, and the evidence showing examples of digital advertisements in differing lighting, it remains that even as a single display the proposal would very prominent, particularly during lower light levels. Further, its illumination, and the sequencing of images every 10 seconds, means it would appear significantly different from the existing poster panels, and would be a much more dominant feature within the immediate area, even accounting for a reduction in the number of displays.
8. The Planning Practice Guidance advises that 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site where residents or passers-by will be aware of the advertisement. Although there are commercial premises around the Barlow Road and Cromwell Grove junction and the appeal site adjoins the car park of the Blue Bell Inn, the prevailing appearance of the immediate area is residential. The appeal site is viewed from the west in the context of the gable of a residential terrace fronting Barlow Road to the east, and trees and open space of playing fields opposite. Further, there is a row of dwellings to the north-west of the appeal site, located on the northern side of Barlow Road adjoining Greenbank playing fields. I accept that these are a reasonable distance away, but they are nonetheless within the immediate neighbourhood and despite them being set back, the proposed advertisement would be very prominent from the front of these dwellings, particularly in the winter months when the mature trees within the playing fields afford no screening. Because of its illumination and height above ground, the proposed advertisement would appear a visually intrusive addition to the streetscene, incongruous in its principally residential context.

9. It is agreed between the parties that the existing advertisements would benefit from deemed consent, having been in place for more than 10 years. On the evidence before me the presence of the advertisements would represent a realistic fallback position in the event that the proposal were refused. I acknowledge this to be the case, nevertheless it remains, for the reasons above, that the proposal would cause greater harm to visual amenity than the existing.
10. The appellant submits various benefits of digital advertising, to which I have had regard. This includes, amongst other things, removal of multiple advertising panels and clutter, a reduction in waste involved in the poster production process, a reduction in vehicle trips and better access to digital advertising displays for local businesses. Whilst these would not be achieved by maintaining the status quo, given the proposal relates to only a single digital display, such benefits are limited and would not outweigh the harm I have identified to visual amenity.
11. I therefore conclude on the main issue that the proposal would harm the visual amenity of the area. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material to amenity. The proposal would conflict with PfE Policy JP-S1, CS policies SP1, EN1 and DM1 and saved UDP policies DC15 and E3.3 which, in broad terms, policies seek, amongst other matters, to ensure that proposals have regard to the character of the surrounding, make a positive contribution to the locality and take opportunities for good design.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

R. Jones

INSPECTOR