



Appeal Decision

Site visit made on 7 October 2025

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/B4215/Z/25/3368020

ECP Car Park, Aytoun Street, Manchester M1 3BG

- 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 City Outdoor Media Ltd against the decision of Manchester City Council.
 - The application Ref is 142082/AOH/2025.
 - The advertisement proposed is 1 no LED digital advertisement to replace 1 no 96 sheet and 2 no 48 sheet backlit advertisements.
-

Decision

1. The appeal is dismissed.

Preliminary Matters and Background

2. The Regulations require that decisions are made only in the interests of amenity and public safety. This is confirmed by the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG). Therefore, while I have taken into account the policies that the Council consider relevant, they have not been decisive in my determination of the appeal.
3. The proposal is in the setting of a listed building. However, the statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) only applies to a grant of planning permission and it does not apply to advertisements. Moreover, the policies in the Framework that protect the historic environment relate, as applicable, only to the heritage-related consent regimes for which local planning authorities are responsible under the Act.
4. However, the PPG advises that factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural or historic interest. Therefore, while it is not necessary for me to consider whether or not the proposed advertisement would result in less than substantial or substantial harm to designated heritage assets, I have taken into account the presence of the listed building accordingly.

Main Issue

5. The main issue is the effect of the proposed advertisement on amenity.

Reasons

6. The appeal relates to 3 freestanding advertisements that sit to the rear of the Aytoun Street footway, along the boundary fence of a Euro Car Parks (ECP) surface car park. Three non-illuminated, yellow and blue car park signs along the Aytoun Street boundary are not the subject of this appeal. The ECP car park is

roughly triangular, bounded by Aytoun Street, Minshull Street and Auburn Street, this latter being a short road between the car park and a Grade II* listed building, “City Police Courts” (ref: 1219894) (the LB).

7. The LB dates from around 1868 and was sympathetically extended in the 1990s. It is a two and a half storey plus basement building finished in red brick with sandstone dressings, and with steeply pitched slate roofs. It boasts a range of architectural ornamentation including arched doorway and windows, impost band, stone bands and parapet and, at roof height, a tower, turret and gables and tall octagonal chimney. It is one of the finest examples of Thomas Worthington’s work.
8. In addition, there is a range of tall and largely modern buildings to the Minshull Street and Aytoun Street sides of the car park. These are respectfully set away from the LB. The open land between the LB and the junction of Minshull Street and Aytoun Street, which includes the ECP car park, allows relatively long views towards the LB. As noted by the Inspectors in previous appeals¹, the distinctive and imposing Italian Gothic style LB makes a significant positive contribution to the character and appearance of the townscape.
9. The 2022 Inspector noted that, travelling north along Aytoun Street, the existing advertisements dominate the foreground and harmfully interrupt public views of the LB. They concluded that the scale and positioning of the existing advertisements is detrimental to the visual amenity of the area, particularly the setting of the LB. The 2025 Inspector similarly noted that, by virtue of their size and proximity to Aytoun Street, the 3 advertisements subject of this appeal dominate the street scene and disrupt views and detract significantly from the setting of the LB. In other views, these same advertisements and the car park signs were found to be visually intrusive and to detract from the high quality surrounding built environment, including the Kampus building. At the time of my visit, I arrived at these same conclusions in relation to the significant adverse visual effects of the existing advertisements on amenity, with particular regard to the setting of the LB.
10. The proposed removal of the 2 48 sheet advertisements would reduce the quantum of advertising and thereby visual clutter in this location, albeit the car park signage would remain. As illustrated by drawing no. IMG2 rev D (Proposed View 1), in close and direct views from the opposite side of Aytoun Street, removal of the 48 sheet advertisements would open up views towards the LB. However, by virtue of their size and siting, these 2 smaller advertisements have a relatively limited zone of visual influence within the setting of the LB.
11. Further south and beyond their immediate zone of influence, the 48 sheet advertisements are not prominent in the street scene or in views of the LB. Indeed, Plate 17 in the Heritage Assessment illustrates that it is the 96 sheet advertisement that would be replaced, and not the 2 advertisements that would be removed, that is visually obtrusively in the foreground of the LB from as far back as the Whitworth Street junction. On the closer approach towards the Minshull Street and Aytoun Street junction, by virtue of its orientation, width and scale, the 96 sheet advertisement becomes increasingly dominant in the street scene and it increasingly obscures and thus significantly detracts from views towards the LB.

¹ Refs APP/B4215/Z/22/3294291 proposed 1 no. digital display and APP/B4215/G/25/3359189 appeal against discontinuance action.

12. The proposed replacement advertisement would be roughly the same size and in the same location as the existing 96 sheet advertisement. In contrast to the existing, it would display sequential static images at 10 second intervals and with instantaneous transition between images. The level of illumination would respond automatically to ambient light levels during daylight and maximum illumination would not exceed 600cd/sqm overnight. Irrespective, the changing LED imagery would render the proposal considerably more conspicuous than the existing.
13. The proposal would be smaller than the advertisement subject of the 2022 appeal. However, all advertisements are intended to attract attention. By virtue of its scale, siting and changing LED imagery, the proposal would be a prominent and overtly contemporary feature. It would not be assimilated into the townscape. Rather, it would be discordant and out of keeping with the surrounding built environment and the historic Grade II* listed Victorian building in particular. The frequently changing digital imagery would continuously attract the attention of passers-by and thereby detract from views of the LB on the approach from the south along Aytoun Street.
14. The proposed digital advertisement would be a strident, alien feature that would not be sympathetic to the character and appearance of the area. It would be markedly more detrimental to the local distinctiveness and sense of place of the townscape than the advertisement it would replace. Taking into account their relative sizes, siting and visibility in the setting of the LB and the townscape, the significant adverse visual effect arising from the proposed replacement advertisement would not be mitigated by the removal of the 2 smaller 48 sheet advertisements.
15. Therefore, I conclude that the proposed advertisement would harm the character and appearance of the area, with particular regard to the setting of the Grade II* listed City Police Courts. Accordingly, it would harm amenity. Although not decisive in the appeal, as I have found harm to amenity, the proposed advertisement would conflict with the design principles, heritage protection and amenity aims of policies SP1, EN1, EN3, CC9 and DM1 of the Manchester Core Strategy Development Plan Document (2012) and saved policies DC15 and DC19 of the Unitary Development Plan for the City of Manchester (1995). The proposal would also be contrary to the design and visual amenity aims of the Framework.

Other Matters

16. Express consent (ref 106884/AOH/2014/C2) was granted in October 2014 for a temporary period until March 2018 for an illuminated hoarding roughly 18.6m x 4.65m x 0.26m. It was not implemented, but it would have replaced 8 existing advertisements, reducing the extent of advertising and removing advertising clutter in the setting of the LB. This was considered to be an improvement at that time, but in the context of a locality that was otherwise being improved and invested in. The historic temporary consent is not a fallback position and it does not provide a justification for the appeal, taking into account the different circumstances and changes to the surrounding context which include the Kampus development.
17. As noted above, there have been 2 previous appeals at this site. In 2022, express consent was refused and dismissed on appeal for the erection of a digital display measuring 18.6m x 4.65m x 0.265m to replace 1 no backlit 96 sheet, 2 no backlit 48 sheet display and 2 no car park signs. Notwithstanding the amendments to the scheme, it does not automatically follow that a smaller LED display, with car park

signage retained, must be acceptable in this location. The 2022 proposal does not weigh in favour of the appeal.

18. The 2025 appeal decision upholding the November 2024 Discontinuance Notice was issued after this appeal was made. That appeal decision is currently the subject of a High Court challenge, on grounds including in relation to the adequacy of the Inspector's assessment as to whether the displays caused substantial injury to amenity; inadequate or irrational reasons; and failing to have regard to expert evidence and inadequate reasons with regard to heritage harm.
19. In reaching my decision, I have taken into account the Heritage Assessment (June 2024) and Heritage Addendum (December 2024) by Border Archaeology. These seek to establish whether the proposal would represent 'substantial harm' to the setting of designated heritage assets. However, as noted above, the policies in the Framework that relate to less than substantial and substantial harm to designated heritage assets are not applicable in this appeal. Moreover, the PPG is also clear that "substantial injury" to the amenity of the locality (for the purposes of the discontinuance action) is a more rigorous test than the "interests" of amenity (for the purposes of express consent under the Regulations).
20. I understand that until the High Court claim is decided, the Discontinuance Notice is held in abeyance and the existing advertisements continue to benefit from deemed consent. As can be seen from this decision, I have considered whether or not the proposal would be more or less harmful than the fallback position of the existing advertisements. As I have found that the proposal would be more, and not less, harmful to amenity, the fallback position does not provide a justification for the appeal. I have also had regard to the discontinuance notice appeal decision as a material consideration in the determination of this appeal.
21. I am aware of various other appeal decisions where Inspectors elsewhere have both allowed and dismissed advertisements in the setting of designated heritage assets. While I have taken these into account, each scheme must be considered on its individual merits taking into account the specific characteristics of the location and its surroundings. In this regard, the PPG highlights that the acceptability of a proposal depends upon whether it is in scale and keeping with the local characteristics of the neighbourhood. Therefore, advertisements in different surrounding contexts do not provide a justification to allow or dismiss this appeal.
22. The appeal site is in the Aytoun Street Strategic Regeneration Framework area, which aims to improve the attractiveness of the area to investment and improve physical connections and permeability. The Council considers the proposed advertisement would undermine its aspirations for the city centre, which appear to include a residential development in this location. I note the appellant's concerns that the development of the car park with a 10-15 storey building would fail to enhance the setting of the LB, although I understand there was a building in this location historically. Irrespective, I am not aware of any planning permission for a building in this location and this does not weigh in favour of the proposal.
23. The evidence with the appeal refers to the replacement of the existing fence along Aytoun Street with a lower fence of a similar type. While this might be a visual improvement, the fencing does not form part of the appeal advertisement. There appears to be little guarantee that a scheme of hard landscaping would be

implemented or that it would mitigate the visual harm that I have found. Therefore, this is not a matter that weighs in favour of the proposed advertisement.

Conclusion

24. For the reasons set out above, I conclude that the proposed advertisement would harm amenity. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR