



## **STATEMENT OF CASE FOR THE APPELLANT**

Appeal by: ARM Capital

Site Address: 18 New North Parade, Huddersfield, HD1 5JP

Proposal: Erection of a single digital advertising board

Council planning reference: 2023/65/93152/W

**March 2024**

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# 1. Introduction

## **The Appeal**

- 1.1 This Statement of Case has been prepared by DPA Planning Ltd on behalf of ARM Capital (the "Appellant") in response to the refusal of an advertisement consent application and listed building consent application for the installation of a single billboard (the "Proposed Development") at 18 New North Parade, Huddersfield (the "Appeal Site").
- 1.2 This appeal is submitted following the refusal of an advertisement consent application ref:2023/64/93045/W. A separate appeal has been submitted for the associated advertisement consent, ref: APP/Z4718/Z/24/3340077.
- 1.3 This appeal seeks to overcome the refusal of listed building consent application ref:2023/65/93152/W as refused by Kirklees Council on 10<sup>th</sup> January 2024.

## **Proposed Development**

- 1.4 This appeal seeks to overcome the refusal of a single digital advert measuring 6 metres by 3 metres, wall mounted, 3 metres above ground level, to the north west elevation of the application site.

## **Appeal Site**

- 1.5 The application site is located on the north west elevation of 18 New North Parade, a Grade II listed building located in central Huddersfield. The immediate surrounding to the application site is the Brunswick Street Car Park, before Brunswick Street and Castlegate Road (A62). The site lies within the Huddersfield Town Centre Conservation Area.

## **Statement of Case Structure**

- 1.6 This statement is to be read alongside all previously submitted plans and documents.

- 1.7 This statement first briefly outlines any relevant policy considerations at both Local and National level before then responding directly to the reason for refusal. This statement will then conclude by summarising the reasons why, on balance, we feel that the appeal should be allowed.

## 2. Planning Policy

### **The Kirklees Local Plan**

- 2.1 The Kirklees Local Plan was adopted in February 2019. The Local Plan is supported by the Kirklees Economic Strategy. A priority for both the Local Plan and the Economic Strategy is to support economic growth in the area, it also makes a firm commitment to investing in transport infrastructure and improve the experience of users.
- 2.2 Policy LP21 Highways and Access sets criteria of all proposals should mitigate measures to avoid a detrimental impact on highways safety and the local highways network.
- 2.3 Policy LP25 Advertisements and Shop Fronts identifies that the design of proposals should be consistent with the character of the existing buildings are area and consider any features of historic, architectural cultural or other special interest. The policy also supports good innovative design which would make a positive contribution to the vitality of the centre and not detract from the quality of buildings or adjacent premises

### **National Planning Policy and Guidance**

- 2.4 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is to be taken into account in all planning decisions. The framework provides a set of development management policies for advertising proposals.
- 2.5 Paragraph 141 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. It goes on to state that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 2.6 Planning Practice Guidance (PPG) relating to advertising displays was published in March 2014 and sets guidance on advertising proposals and the approvals process in England.

- 2.7 Factors relevant to considering amenity include the general characteristics of the locality, including the presence of any feature of historic architectural, cultural or similar interest (regulation 3 (2) a)) in the immediate neighbourhood are to be assessed in any proposal.
- 2.8 Within the PPG it is highlighted that advertisements would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site
- 2.9 The guidance identifies several types of roadside advertisements that may impact on public safety, which include changing displays, moving displays, flashing lights and advertisements that resemble traffic signs.

### **Legislation and the NPPF**

- 2.10 The duty of the Council as a Local Planning Authority is set out in paragraphs 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The duty in relation to Listed Buildings is to preserve its setting or any features of special architectural or historic interest which the building may possess.
- 2.11 Paragraph 200 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 2.12 Paragraph 208 of the NPPF goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### 3. Reason for refusal 1

#### **Harm to the listed building**

- 3.1 The single reason for refusal stated that amongst other things the siting scale and illumination of the proposed development would be seen as a harmful addition to the listed building.
- 3.2 The appeal site is a Grade II listed building (listing number 1287151). The official listing details refer to a pitched slate roof, moulded eaves cornices, the fenestrations and other decorative features of the building. None of these features are affected by the proposed wall mounting of a billboard to the north west facing gable end and therefore there is not considered to be any harm caused to the site and its status as a listed building.
- 3.3 The decision notice comments that the harm is considered less than substantial, however without convincing benefits of the public benefits there is nothing to outweigh the harm. This however is contested as the Appellant stated in paragraph 3.14 of the originally submitted planning and heritage statement that the benefits of the proposal would be to local smaller scale businesses as digital advertisements are more commercially viable for them, at a lower cost than traditional paper advertising.
- 3.4 With multiple street lighting and commercial buildings, the appeal site is well suited for a digital billboard.

## 4. Conclusion

- 4.1 The minimal harm via the addition of a temporary advertisement permitted for 5 years will not outweigh the economic benefit to local businesses, including the commercial occupiers of the appeal site, who will be able to afford to present local advertisements on the digital billboard.
- 4.2 There are no other aspects to the appeal site which would otherwise be unacceptable in planning terms and it is therefore respectfully asked that this appeal be allowed and planning permission granted.