



Appeal Decision

Site visit made on 6 January 2025

by **N Teasdale BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/Z4718/Z/24/3348943

Rose And Crown, 6 Westgate, Cleckheaton BD19 5ET

- 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 Estates Limited against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/64/90579/E.
 - The advertisement proposed is erection for a gable end digital-48 sheet advertisement.
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Decision

1. The appeal is dismissed.

Main Issue

2. Regulations to control advertisements may be exercised only in the interests of amenity and public safety. The assessment regarding public safety is not disputed. Therefore, the main issue is the effect of the proposed advertisement on visual amenity.

Reasons

3. The appeal site relates to the side elevation of the Rose and Crown public house in Cleckheaton. The building has a historic character and is advertised as a 17th Century Inn. Despite not being a statutory or locally listed building, it still has a distinctive local vernacular that is formed by its asymmetrical roof, elongated form, and window placement, amongst other features. There is also a stone rearward projection that is formed from the main section of the building.
4. The side elevation contains a hand painted sign and faces out towards Westgate, an open area of footpath and a small car park. It is located within a prominent position within the town centre boundary and is readily visible from public viewpoints. It is particularly visible on approaches from the east when viewed from parts of King Edward VII Memorial Park which stretch down Parkside and is opposite the Grade II listed mid-century George Hotel. The immediate area is an important thoroughfare through the centre which includes access to local green spaces and shopping frontages. The listed building and King Edward VII Memorial Park provide a pleasant character to the immediate area.
5. The surrounding area is largely characterised by commercial uses. Whilst the site is located in a well-lit area with streetlights, traffic lights, and lights coming from the commercial buildings within the vicinity of the site, there are no notable advertisement displays of this scale in the immediate area. Where advertisements

do exist, such features are generally of smaller scale related to the use of the premises on which they are sited and non-illuminated which do not appear out of keeping when viewed against the context of their associated site. The appellant refers to a site located at Flush Garage, but this is some distance away from the appeal site and thus cannot be considered to be within the immediate area.

6. The proposed advertisement would be positioned against the side elevation of the public house and would have an LED display board which would display multiple static advertisements on rotation. The side elevation has a simple appearance with a small hand painted sign which is set in from the sides. The proposed advertisement would however fill a significant proportion of the side elevation, set to the eaves of the building with part of the display falling over the edge of the elevation due to its excessive width. The remaining section of the side elevation will be minimal; therefore, the display would dominate the building which it is set upon. This, together with its illumination would fail to respect the character of the original building and negatively contrast with the building's historic features/style which forms the building's character.
7. The view westbound on Westgate holds a historic vista which includes the 17th Century Inn, sandstone buildings and a viaduct. The advertisement display due to the scale, prominence and placement would disrupt the vista drawing the eye away from a characterful avenue in Cleckheaton and would dominate an important area of the town. It would conflict with the historic character of the area intervening with the present style that is formed from the continuation of the buildings and monuments set along Westgate. This would still be the case even when taking into account other commercial developments, street furniture etc as well as sightlines as it would still be highly visible and would break up the collection of historic buildings and monuments that form the character of the area.
8. The display would be set 1.70m from ground height and given the display would be illuminated, the height of the display is not considerate to users of the path. A height of 1.70m is considered to be at eye line level for some users. A large, illuminated advertisement display at such a low height would create a poor environment for street users.
9. I appreciate that such advertisements are usually located in commercial areas and adjacent to major roads. I also note that the site is not within the Conservation Area and that there are many of these standard sized advertisements across the UK. However, the proposal would still introduce a structure that would not fit harmoniously on the size of the building it is set upon nor respect the architectural features of the building. It is a poor design response to this particular location and would appear as a very prominent and incongruous addition.
10. The proposals are part of an industry wide drive to rationalise, modernise and upgrade advertising infrastructure to meet modern requirements which has in turn lowered the number of poster and paste 48 sheets which means a reduction in vehicle trips to repost. There is however limited detail as to what extent the proposal would contribute to decreasing the amount of advertisement boards with no evidence of this installation being specifically associated with the replacement of any existing advertisements.
11. The proposed advertisement is capable of being operated from a central location 24/7 and I am aware of the commitment to push best practice with a long-term

investment in the site. The proposed new display technology is also designed to be lightweight, durable, efficient and can be easily erected with minimal engineering. The quality of the image produced would mimic that of a traditional poster and paste display. To this end, maximum brightness would be within the guidelines as set by the institute of Lighting Professionals (ILP) Technical Note 5 and would be controlled by light sensors to vary the brightness of the screens according to the brightness of the day. Only static images (i.e. no moving images or flashing lights) would be displayed, but the advertisements would be capable of changing to display new advertisements every ten seconds depending on how the advertising space is sold. Such matters could be controlled by a suitably worded condition. Even so, this would not reduce the advertisements size and prominence in this location where the eye would be unacceptably drawn to its presence. The above factors would not therefore be sufficient to outweigh the harm I have identified and could not be appropriately mitigated by planning conditions as suggested.

12. My attention has been drawn to a number of previous planning permissions for other advertisements including that referred to above at Flush Garage as well as Sir Robert Peel Public House although details are very limited regarding the specific detailing of these advertisements and context in which they were determined. I also note that the application at Sir Robert Peel Public House was indeed dated 1997 which was some time ago. In any event, there are material differences in comparison to the current appeal proposals including amongst other things, location, and siting, and are therefore not directly comparable. I am also considering the scheme that is before me, and I have identified the harm that would arise.
13. I conclude that the proposed advertisement would harm the visual amenity of the area. I have taken into account Policy LP 24 and LP 25 of the Kirklees Local Plan, 2019 which together, amongst other things, explains that proposals should promote good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Given that I have concluded that the proposal would harm visual amenity, the proposal would conflict with these Policies.

Other Matters

14. I have been provided with a list of environmental, social, and economic benefits which I appreciate. Such matters would not however outweigh the harm to amenity that I have identified. In any event, the appeal proposals relate to advertisement consent only, where the regulations require that I exercise my powers only with regard to amenity and public safety. I am also aware of the discussions that have taken place with the Council during the application process, but this would not alter my findings.

Conclusion

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

N Teasdale

INSPECTOR