



Appeal Decision

Site Visit made on 31 August 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/G4240/Z/21/3276343

**Land at Stockport Road & Corner of Birch Street, Ashton Under Lyne
OL7 0NP**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Group Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 21/00301/ADV, dated 11 February 2021, was refused by notice dated 28 April 2021.
 - The advertisement proposed is conversion of 2x 48-sheet illuminated advertising displays to 1x 48-sheet digital advertising display.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material factor, in this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issue

5. The Council has no objection to the proposal on the grounds of visual amenity. From the evidence before me, and from my observations, I have no reason to disagree with the Council on this matter.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

6. Therefore, the main issue is the effect of the advertisement on public safety with particular regard to the safety of highway users.

Reasons for the Recommendation

7. The PPG in its section on advertisements states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those which are illuminated which could be mistaken for, or confused with, traffic lights and those subject to frequent changes of the display. Moreover, those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal could also pose a risk to highway safety.
8. The proposed advertisement would replace two externally illuminated advertisement hoardings with one digital display. It would be visible to drivers approaching the crossroads with Birch Street and Stockport Road. Although the new advertisement would be unlikely to be confused with the traffic lights for the pedestrian crossing, it would be located in close proximity to them and there would be a high probability that a driver's attention would be diverted by the illuminance and changing imagery of the advertisement at a point in the road where they would need to be focussing on traffic signals and road conditions. Such a loss of concentration on the highway conditions would be likely to result in harm to highway safety to both pedestrians crossing over Stockport Road and to vehicles approaching the junction along this road. This could be exacerbated by the proximity of the petrol filling station on the opposite side of Stockport Road with vehicles exiting or slowing down to enter in close proximity to the junction.
9. I acknowledge that the existing advertisement has been in place for a considerable number of years, however its static display is distinctly different to the proposal before me. I also note the highway technical note and accident figures provided by the appellant; however, the limited number of recorded accidents is not a justification to provide an advertisement which would be likely to increase the risk of accidents as a result of its potential to cause distraction and confusion. The complexity of the road conditions including the crossroads, pedestrian crossing and proximity of the petrol filling station, is a set of circumstances where drivers really need to be focussed on the highway conditions in the locality.
10. The presence of the proposed advertisement would provide a distraction to drivers at a point where they need to be concentrating on the local highway conditions and a momentary lapse in concentration as a result of the advertisement would be likely to result in harm to public safety for the reasons set out above. The suggested conditions to control the display and level of illuminance would not mitigate the identified harm. Accordingly, the proposed advertisement would result in unacceptable harm to public safety with particular regard to the safety of highway users.
11. In reaching my conclusion, I have had regard to the previous appeal decision and considered the examples referred by the appellant in the Highways Technical Note, although as I do not have all the details before me I cannot be certain that the circumstances of them are directly comparable to this case. In

any event, I have determined this appeal on its own merits based on the site-specific circumstances of the case.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree that the appeal should be dismissed.

RC Kirby

INSPECTOR