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# Appeal Decision

Site visit made on 17 May 2022

**by C Hall BSc MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 June 2022**

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**Appeal Ref: APP/Z2260/Z/22/3297217**

**Advertising Right Opposite 349 Margate Road, Ramsgate CT12 6SY**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
  - The appeal is made by Wildstone Group Ltd against the decision of Thanet District Council.
  - The application Ref A/TH/21/1778, dated 10 November 2021, was refused by notice dated 25 February 2022.
  - The proposed development is for 2x freestanding digital 48-sheet (6m x 3m) advertisements replacing 5x freestanding poster and paste 48-sheet (6m x 3m) advertisements.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed advertisements on public safety.

## Reasons

3. At my site visit I saw that Margate Road in the vicinity of the proposed advertisements was heavily trafficked. I also witnessed a number of pedestrians using the crossing facilities at the junction with Newington Road and Northwood Road, visiting the public house and other commercial premises in the area, and waiting at the bus stop directly opposite the appeal site.
4. The Planning Practice Guidance states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care being more likely to affect public safety. 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 can also pose a risk to highway safety.
5. To my mind, the intermittent changing of the digital advert displays, albeit with little transition time, has the potential to distract motorists, drawing the eye at a fairly important section of the road network where greater concentration on the surroundings is necessary. The changing of displays would create visual confusion against the backdrop of the junction, posing a risk to pedestrians and road users as they approach this busy section of the highway.

6. The appellant has provided information from the local accident record for the most recently available five-year period drawing on data from Kent County Council. The appellant states that the data reveals 11 accidents, which is an enviable record and does not represent a cause for concern or represent a discernible pattern that could be related to driver distraction. However, in my view the evidence provided does not demonstrate that the highway network in the vicinity of the site is free of incident.
7. Consequently, while I appreciate that the removal of five adverts and replacement with two will reduce visual clutter, I consider that large illuminated advertisements with intermittent changing of the displays approximately every 10 seconds would have the potential to adversely affect vehicle and pedestrian safety along this stretch of the highway. I remain concerned that the possible distraction of the advertisements for motorists would increase the number of incidents in general on and around the nearby junction.
8. I note in the evidence examples of appeals that approved advertisements at other sites across the country. Of these, Dover appears to be set in a quieter highway environment that does not involve main roads, whilst Rochdale and Leicester do not mention specific accident record data, and these factors may have had material bearing on the decisions. As such I do not consider that the other cases weigh in favour of this scheme, and in any event I have judged the appeal on its own planning merits.
9. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policy QD06 of the Thanet District Council Local Plan July 2020 seeks to ensure proposals for advertisements are consistent with public safety; as such this is considered to be a material consideration.
10. I conclude, therefore, that the proposed advertisements would have a harmful effect on the public safety in the area. The scheme would not meet with the objectives of Local Plan policy or the Framework.

## **Conclusion**

11. Having regard to all matters raised, the appeal is dismissed.

*C Hall*

INSPECTOR