



Appeal Decision

Site visit made on 13 February 2024 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/H0724/H/23/3334532

Land South Side of Stockton Road, Greatham, TS25 2RJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Wildstone Estates Limited against Hartlepool Borough Council.
 - The application Ref H/2023/0336 is dated 29 August 2023.
 - The advertisement proposed is installation of 1 x digital advertising screens (D-Posters).
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Decision

1. The appeal is dismissed and planning permission for installation of 1 x digital advertising screens (D-Posters) at Land South Side of Stockton Road, Greatham, TS25 2RJ is refused.

Procedural Matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issues

4. The main issues are the effect of the advertisement on the visual amenity of the area, and on public safety.

Reasons for the Recommendation

Visual Amenity

5. Amenity is not defined within the Regulations nonetheless relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In assessing amenity, it is reasonable to consider characteristics of the neighbourhood. For

- example, whether the proposed advertisement would be in scale and keeping with important features.
6. The advertisement subject to this appeal would be located on the grass verge at the junction of Stockton Road and High Street in Greatham. The surrounding area is dominated by mature vegetation and sprawling open fields on the southern side of Stockton Road. The appeal site is at the entrance into Greatham village and whilst there are some buildings nearby there is a rural feel to the site despite the main road and adjacent warehouse premises.
 7. As I understand it, the Gresham Conservation Area and several Grade II Listed Buildings (St Francis Cottage, Coach House Stables and Boundary Wall; and Briarmead Stables Block and Boundary Wall) are located approximately 90 metres away from the appeal site. I note that the Council has not raised any concerns over the impact of the proposal on the Conservation Area or these Listed Buildings. Quite simply, I agree with this assessment. As such I find no conflict with the Framework or the Development Plan in this respect.
 8. The proposed digital advertising screen would be positioned around 2 metres above the ground and viewed against the backdrop of a car park and a gable wall of a warehouse where there are two existing signs. From my site visit, I saw that illuminated advertisements are not an established feature in the area and as such do not form part of its character. Also, the existence of a lone warehouse within a sparsely developed location does not present a commercial character for the surrounding area.
 9. With the above factors in mind, the proposal would stand out as being visually intrusive to the extent that it would be overly prominent and would detract from the amenity of the area. This is particularly the case given that there is very little landscaping in the immediate vicinity to the site which could soften its appearance. I am also conscious that the advertisement would be visible from long distances on the westwards approach along Stockton Road.
 10. This harm is exacerbated by the illuminated nature of the digital display which would increase the prominence of the advertisements. This is particularly the case as the illumination would draw the eye and would result in a much more commercial feel than currently exists. This would appear incongruous in the context of the rural area, which is devoid of digital advertisement displays, particularly on large billboards. The sequential format, with changing images every 10 seconds or so, would also make it more prominent and accentuate its impact on the surrounding area.
 11. In coming to the above view, I acknowledge that the area has some illumination from streetlights, and the intensity of the panel's illumination would accord with guidelines for illumination of advertisements¹. However, the illumination would be particularly prominent during the hours of darkness despite the night-time illumination not exceeding 300 candela per square metre as suggested in the appellants conditions.
 12. Consequently, I find that the proposal would have a harmful effect on the visual amenity of the area and the suggested conditions put forward by the appellant would not overcome this harm.

¹ PLG 05: The Brightness of Illuminated Advertisements (Institute of Lighting Professionals 2015)

13. For the above reasons the digital poster display would harm the amenity of the area. It would also be inconsistent with the objectives of the Framework and policies LS1, RUR1 and QP8 of the Hartlepool Local Planning Framework: Hartlepool Local Plan (2018) (the LPF) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (Dec 2018). These, among other matters seek to ensure that advertisements are appropriately located and are of an appropriate scale and size having regard for the impact of the advertisement either individually or by a resultant cumulative effect upon the surrounding area.

Public safety

14. The Town and Country Planning (Control of Advertisements) (England) Regulations state in section 3(2)(b) that factors relevant to public safety include the safety of persons using any highway.
15. The display would be located on the grass verge at the junction of Stockton Road and High Street and would be visible to drivers on approach from the east along Stockton Road and at the traffic junction on High Street. On the approach to the display, drivers have to negotiate this priority junction on where there is a signalised controlled pedestrian crossing within 10 metres of the proposed display. Although my site visit was a snapshot of time, I observed pedestrians at this crossing point.
16. The digital display of the proposed advertising is by its very nature designed to grab the attention of passers-by whether they be drivers or pedestrians. Despite the appellants submission that drivers would be able to glance at advertisements without being distracted from road or traffic movements, the intermittent changing of the advert display, albeit with little transition time, has the potential to distract motorists and create visual confusion. It would also pose a risk to pedestrians and road users as they approach this busy section of road particularly given the speed limit of 50 miles per hour on the approach to the appeal signage.
17. In coming to that view, I acknowledge that the 10 second timing is an industry standard and is considered acceptable for urban locations. However, the appeal site is not in an urban location and a car travelling at 50 miles per hour is likely to cause serious injury or death to any pedestrian in the event of a collision.
18. The appellant has provided a Highways Technical Note which presents a record of road traffic accidents in the vicinity of the proposed advertisement over a three-year period. Whilst this does not indicate a high level of incident, this does not demonstrate that there would not be an increased likelihood for road accidents as a result of the proposed digital advertisement.
19. In addition to the above, various case studies have been presented which suggest that such advertisements do not lead to a decrease in public safety. Regardless of this, the sites advanced in these case studies are not reflective of the appeal site. The appellant has also provided some details of other advertisement consents which they suggest are either located within proximity of the Appeal Site, or in a similar context, and they consider these to be of relevance in consideration of the proposed advertisement. However, these examples are in different localities and have been approved by different authorities than the Council who are party to this appeal. Moreover, each proposal must be considered on its individual merits.

20. Taking all of the above into account, the risk to public safety would be likely to increase as a result of the proposed advertisement. In coming to that view, I have considered the conditions set out by the appellant to mitigate against the levels of illumination and the frequency/method of change of the display. Notwithstanding these conditions, the proposal has the ability to distract road users at a time when they should be paying due care and attention to the road.
21. In conclusion, the advertisement would have a harmful effect on public safety. Whilst not decisive, the proposal would not meet with the objectives of the Framework and would also conflict with Policies QP3, QP8 and RUR1 of the LPF which seek amongst other matters to ensure that advertisements are appropriately located and are of an appropriate scale and size having regard for the impact upon public safety in particular whether the advertisement itself, or the location proposed, is likely to be so distracting or impacts upon site lines that it creates a hazard.

Other matters

22. I have also considered the environmental, social and economic benefits of digital advertisements as outlined by the appellant. Whilst these could be considered to be factors in favour of the proposal, I consider that these do not outweigh the harms that I have identified. Moreover, the Regulations require that I exercise my powers only with regard to Amenity and Public Safety albeit these benefits may be considered as other relevant factors.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR