



Appeal Decision

Site visit made on 5 November 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2024

Appeal Ref: APP/V4250/Z/24/3344392

73 Ormskirk Road, Wigan WN5 9EA

- 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 Nigel Thomas of K J Fire Safety against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/24/96748/ADV.
 - The advertisement proposed is described as 'digital advertisement for local businesses only'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to the policies of the Development Plan that it considers to be relevant to the appeal and I have taken them into account as a material consideration. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 indicates that the control of advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

Main Issues

3. The main issues are the effect of the proposed advertisement on:
 - public safety; and
 - amenity, with particular regard to character and appearance of the area.

Reasons

Public safety

4. The appeal site is next to the A577 Ormskirk Road, close to the complex Saddle Junction. Ormskirk Road forms part of the Key Route Network and is also a primary bus route.
5. The proposed advertisement would be attached to the gable wall of a row of terraced properties, facing towards the large carpark of an Aldi store. It would replace a smaller, externally illuminated sign.

6. The site is close to pedestrian and cycle crossings, and is next to a highway sign that directs drivers as to which of three lanes at Saddle Junction they should select. Due to such highway circumstances, the attention of drivers is paramount and full concentration is necessary. In such a location, the presence of the proposed sign, its illumination and periodic changing of display would be unduly distracting to drivers, to the detriment of public safety.
7. The appellant has drawn my attention to a similar sign nearby, positioned on the gable wall of a terrace of buildings containing Codivo, Afro-Caribbean Market and Services. The sign is very close to the appeal site and directly adjoins Saddle Junction, which at this point has four lanes. Nonetheless, it is in a position on the highway where drivers have seen advance road markings, and, most likely, have selected, and are travelling in, the correct lane. Consequently, any driver distraction arising from the Codivo sign would not result in the same risk to public safety as the proposal before me. The presence of such a sign, therefore, does not alter my findings in this regard.
8. In conclusion, for the above reasons, the proposal would be harmful to public safety and would therefore conflict with paragraph 141 of the National Planning Policy Framework.
9. In the reason for refusal relating to public safety, the Council has referred to Policy CP7 of the Wigan Local Plan Core Strategy (CS), Policy A1N of the Wigan Replacement Unitary Development Plan and the Advertisement Design Guide Supplementary Planning Guidance (SPG). However, as such policies and guidance do not directly relate to public safety, they are not relevant to this main issue.

Amenity

10. As set out above, the appeal site adjoins a car park next to the A577 Ormskirk Road. Ormskirk Road is a well-lit, busy urban highway in an area that, surrounding the site, is predominantly commercial in character.
11. Given the relatively straight alignment of Ormskirk Road, the proposed advertisement would be seen in short to medium distance views when travelling towards the Saddle Junction but would not be seen when travelling in the opposite direction.
12. Except for the Codivo sign, there are no other digital advertisements for some distance from the appeal site in either direction. Nonetheless, there is a mix of advertisements and signage in the area, of varying sizes, some illuminated, including a freestanding Aldi sign and various advertisements at Machine Mart which is opposite the appeal site.
13. Measuring 6 metres in width and 3 metres in height, the proposed advertisement would be considerably larger than the sign it would replace and other advertisements in the area. Nevertheless, in such a well-lit and predominantly commercial urban setting, the proposal would not dominate the street scene or the adjoining buildings. In addition, it would not lead to a proliferation of advertisements that would, in combination with the existing street furniture nearby, create unacceptable visual clutter.
14. Accordingly, for the above reasons, the proposal would not unacceptably harm amenity, including the character and appearance of the area. Although not

decisive, the scheme would meet the design criteria within CS Policy CP10, Policy JP-P1 of the Places for Everyone Plan, the SPG, and paragraph 141 of the Framework.

15. I note that the Council has also referred to CS Policy CP17 in the reason for refusal. However, that policy does not address character and appearance and, as such, it is not relevant to this main issue.

Conclusion

16. For the reasons given above, I conclude that whilst there would be no harm to amenity, the proposal would be detrimental to the interests of public safety. Therefore, the appeal should be dismissed.

Elaine Moulton

INSPECTOR