



Appeal Decision

Site visit made on 4 February 2025

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/W4223/Z/24/3349829

489 Manchester Road, Oldham, OL8 3RB

- 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 Oldham Metropolitan Borough Council.
 - The application Ref is ADV/352754/24.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed digital sign would replace an existing 48-sheet hoarding on the gable end of a commercial building. The appellant has commented that the existing sign has been in place for more than 10 years, so benefits from deemed advertisement consent. The Council has not disputed this, and, having regard to Google streetview imagery, I have no reason to take a different view.
3. The Advertisement Regulations require that proposals for express consent be assessed in terms of their effect on amenity and public safety. Policies in the development plan should be taken into account, but only as far as they are relevant to these considerations. In considering this appeal, I have taken account of Policy 9 of the Oldham Development Plan Document 2011, which is concerned with ensuring the safety and security of all sections of the community.

Main Issue

4. The main issue is the effect of the proposed advertisement on public safety.

Reasons

5. The appeal site fronts onto Manchester Road (A62), which at this point is a dual carriageway with central reservation. As in the current situation, the proposed sign would be seen by traffic approaching the major signalised junction with Hollins Road/Hollinwood Avenue (A6104). Although adjacent to the south-west bound carriageway, it would face traffic which is travelling in the opposite direction.
6. The proposed sign would be of a similar size and position on the host building as the existing non-illuminated paper sign, but would take the form of an LED digital display with regularly changing static images.

7. Planning Practice Guidance notes that all advertisements are intended to attract attention, but those located at points where drivers need to take more care are more likely to affect public safety. In this case, the approach to the site along Manchester Road is straight, allowing for long views of the sign. The approach to the A6104 junction is not particularly complicated, with two lanes continuing straight and a third lane forming for right turning traffic. Vehicles would have passed the sign by the time they reach the signals, so the sign would not affect the junction itself.
8. For vehicles turning onto Manchester Road from Wickentree Lane, the sign would appear directly ahead, but it would be some distance away, and drivers' attention would be likely focussed away from it, concentrating on vehicles approaching from the south-west. Although it would be visible, the sign is unlikely to be particularly distracting for vehicles coming onto Manchester Road at his point.
9. Despite this, when visiting the site, I noticed that there a number of factors associated with the road layout in this location that mean drivers need to pay particular attention. For vehicles travelling towards the site along the A62, the left turn from Wickentree Lane is followed in quick succession by two laybys, the second of which serves a bus stop. Traffic may be slowing down on the approach to the signalised junction ahead, but along the short section of road close to the appeal site, drivers need to be aware of traffic merging from the left, as well as vehicles moving into the newly formed right-hand lane.
10. Drivers may have time to see and anticipate buses or other vehicles turning onto the A62 from Wickentree Road and/or the two laybys, but the position of the sign on the other side of the opposing carriageway has the potential to direct drivers' attention to that side of the road. Whilst drivers may glance towards the sign very briefly, their attention would be diverted away from the carriageway ahead and to the left side of the road, where vehicles may be merging from multiple locations in quick succession and changing lane.
11. I acknowledge that the existing sign at the appeal site has been in place for many years, and whilst there have been several minor collisions in the area, accident data for the five year period to 2023 does not suggest that there are particular road safety issues here. However, the highways officer has advised that regular monitoring of this strategic route between Oldham and Manchester has identified issues with speeding and poor driver behaviour. Additional driver distraction here could increase the risk of accidents.
12. The appellant's Highways Safety Report notes that drivers would only realistically have a clear view of the proposed screen for around 200m, during which time the screen is likely to change once in 30mph traffic conditions. Even so, the changing images mean that drivers' attention is likely to be attracted to the sign on the other side of the dual carriageway more frequently than in the existing situation. Furthermore, unlike the existing non-illuminated paper sign, the proposed digital screen would be operational and clearly visible at all times, including low light and dark conditions, when additional driver concentration is likely to be required.
13. I note the appellant's comments that there is no evidence of a link between digital signs and increased road accidents, and that operation of the sign would comply with industry best practice, with limitations on brightness and controls over changing images to minimise the potential for driver distraction. Even so, the

purpose of the proposed digital advertisement would be to attract attention, and I share the concerns of the Council's highways officer that the sign could result in additional distraction along a section of road which requires particular concentration, where poor driving behaviour has been identified. even with the suggested controls in place, the proposed sign could result in additional driver distraction with an associated risk to public safety.

14. The appellant has provided examples of digital signs which have been found acceptable by Councils and Inspectors in highway safety terms. I note these examples, but when considering the acceptability or otherwise of proposals for advertisements, it is necessary to take account of the particular circumstances of the road layout, and the associated demands on driver concentration in that specific location. The examples provided are in other parts of the country, with different highway conditions, and do not provide a justification to allow the appeal here.
15. For the reasons given, I conclude that the scheme would pose an unacceptable risk to public safety.

Other Matters

16. The proposed digital display would be sited along a main dual carriageway in an area which is predominately commercial in character. The scheme would be acceptable in terms of visual amenity. However, this does not overcome the harm to public safety which I have identified above.
17. It has been suggested that the proposal would result in a net reduction in advertising, but the new digital display would replace a single sign of the same scale. Any loss of signage elsewhere is not relevant to the safety concerns in this appeal.
18. The appellant has referred to various social, economic and environmental benefits of the scheme, but the Advertisement Regulations only allow for consideration of amenity and public safety.

Conclusion

19. I have found that the proposal would result in unacceptable risk to public safety. The appeal is therefore dismissed.

R Morgan

INSPECTOR