



Appeal Decision

Site visit made on 10 February 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/X3025/Z/24/3350308

66 Leeming Street, Mansfield, NG18 1NG

- 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 Mansfield District Council.
 - The application Ref is 2024/0185/ADV.
 - The advertisement proposed is the “installation of one 48 sheet advert digital poster”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.
3. The Council has drawn my attention to Policy IN9 of the Mansfield District Local Plan 2013 – 2033 Adopted 2020 (LP) and I have taken it into account as a material consideration 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 reiterate this approach. Therefore, in my consideration of this appeal, the Council’s policy has not, by itself, been decisive.

Main Issue

4. The Council does not object to the proposed advertisement on amenity grounds. Following my site visit I see no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on public safety.

Reasons

5. The appeal site is the flank wall of No 66 Leeming Street, which overlooks a junction of classified roads: St Peters Way A60/A6009, Bath Lane B6033 and Woodhouse Road A60. The roads’ layout is complex, there are multiple lanes for each direction, along with several traffic lights, road signs, and signalised pedestrian crossings.

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

6. The advertisement display would have an elevated position, around 1.75 metres from the ground. It would be in close proximity to traffic lights and signalised pedestrian crossings. During my site visit I observed that the nearby roads were busy, with good visibility near the appeal site, and the speed limit is 30 miles per hour. The nearest sources of illumination are the streetlights and the traffic lights; there is no other internally illuminated signage at a size similar to that of the appeal advertisement in the immediate vicinity of the site.
7. I observed pedestrians using the signalised pedestrian crossings along the roads. The signalised junction was in constant use. The numerous pedestrian movements along with the road junctions, several road signs, multiple lanes and street furniture result in a complicated and busy road environment.
8. The above will require a high level of concentration from road users including drivers and more vulnerable pedestrians and cyclists. Road users would have to register the proposed large changing display within the immediate busy road environment. Accordingly, due to a combination of its siting, size and method of illumination, the advertisement would appear overly prominent, particularly in the context of the traffic lights and pedestrian crossings. The sharp vivid images and the movement created by the changing display would further add to the prominence of the advertisement. This could cause a distraction to the road users and result in harm to public safety.
9. I acknowledge the appellant's evidence outlined within the 'Highways Technical Note 01 (May 2024)' and 'Highways Technical Note 02 (August 2024)', including the case studies of other advertisement signage and the accidents records in those locations. The evidence shows that 11 accidents, classified as 'slight', occurred near the appeal site in the five-year period February 2019 – January 2024. The report indicates the accident record in the vicinity of the appeal site is good and there is no indication that any of those accidents occurred as a result of driver distraction due to external highway-related factors. Be that as it may, the proposed advertisement would alter the environment in which the road users would interact, thus previous accidents records carry limited weight.
10. This is further demonstrated by the evidence outlined within the 'Highways Technical Note 02 (August 2024)', which indicates that the view of the proposed advertisement would, albeit momentarily, overlap with some of the signal heads as vehicles approach the junction. Under the circumstances detailed above, even momentary distraction to road users, such as that arising from the proposed sequential advertising of the advertisement, would increase the risk of accidents to the detriment of the safe operation of the highway.
11. The case studies indicate that the number of accidents varied before and after the implementation of the advertisements, with no direct correlation between the digital advertisements and an increase in the number of accidents. Notwithstanding this, none of the case studies shows a scheme directly comparable with the advertisement before me. It is not demonstrated that those advertisements were as proximate to traffic lights that serve multiple pedestrian crossings, nor did they concern a similar highway configuration to that before me. Therefore, I attach limited weight to this evidence.
12. The appellant has also referred to several other advertisements, which are shown to be operating during different times of the day. The details provided for these

advertisements are limited, and in any event, they do not demonstrate that the proposal before me is directly comparable with them. Accordingly, I have considered the appeal scheme based on its own merits and site-specific circumstances.

13. In conclusion, due to a combination of its siting, size, illumination and display of changing images, the proposed advertisement would likely result in a distraction for users of the highway and would lead to the potential for increased conflict between road users. Consequently, it would have a harmful effect on public safety. Although not determinative, there is conflict with the public safety aims of Policy IN9 of the LP.

Other Matters

14. I have considered the appellant's suggested conditions, including the proposed limit for the luminance level and a minimum time for an image to be displayed. However, these would not be sufficient to mitigate the overall harm that I have identified above.
15. Finally, reference is made to benefits that arise from the use of digital displays with respect to matters such as waste reduction and management, servicing, and maintenance efficiencies. However, these benefits appear to arise in comparison to the use of traditional poster display panels. With respect to the appeal advertisement, there is no existing advertisement on the appeal site and therefore such benefits would not arise. There may be some economic benefits associated with increased digital advertising and I acknowledge the appellant's references to sections of the Framework which they consider to be of relevance. Nevertheless, I am required to consider advertisements only in the interests of amenity and public safety, and such benefits would not lead me to find otherwise in relation to those factors.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

Andreea Spataru

INSPECTOR