
Appeal Decision

Site visit made on 4 February 2025

by **Sarah Housden BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/B2002/Z/24/3355962

Ramsdens Home Interiors, 361 Cleethorpe Road, Grimsby, DN31 3BP

- 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 Ron Ramsdens Ltd against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0595/24/ADV.
 - The advertisement proposed is 'The erection and display of a single wall mounted 48 sheet LED illuminated advertisement, measuring 3m high x 6m wide and comprising pressed metal frame and sealed LED screen'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Policy 22 of the North East Lincolnshire Local Plan 2013 – 2032 (LP) is referred to in the reason for refusal. The powers under the Regulations to control advertisements can only be exercised in the interests of amenity and public safety. I have therefore taken account of LP Policy 22 only in so far as it is material to my assessment of the main issue in this appeal.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, there are no changes that would affect the main issue for this appeal, and I have therefore not sought any further comments from the Council or the appellant on the revised Framework.

Background and Main Issue

4. The Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. No issues have been raised in relation to the effect of the proposed advertisement on visual amenity, and I see no reason to disagree with that assessment. Therefore, the main issue in this case is the effect on public safety, having particular regard to the effect of the proposed frequency of the changes in the display on the safety of highway users.

Reasons

5. The Highway Authority has no objection to the principle of a digital advertisement in this location, but it considers that the frequency of the display change should be a minimum of sixty seconds or more, in the interests of the safety of highway users. It has requested that a condition should be attached to any consent to that effect. The appellant is not agreeable to such a condition and considers that the display

frequency should be a minimum of ten seconds which would not be harmful to the safety of highway users.

6. The proposed advertisement would be positioned on a warehouse style home interiors business to the north of the A180 Cleethorpe Road, which runs to the north of the town centre and is a strategic and busy through route between Grimsby and Cleethorpes. It would be a 48 sheet LED illuminated digital display and would be located on the north-west elevation of the building, approximately 9 metres above ground level. It would feature a static display, with no animation or special effects.
7. The advertisement would face onto a dual carriageway section of Cleethorpe Road, with the left-hand lane outside the appeal premises being a dedicated bus lane. There are street lights, highway signs, railings and other advertising boards and signs in the vicinity of the appeal building with a signal lit pedestrian crossing across the dual carriageway. Due to its height, the advertisement would not impede the visibility of the pedestrian traffic lights outside the appeal premises, nor any of the other highway signs on that part of the road.
8. However, due to the open vista along Cleethorpe Road and the carriageway's alignment, the advertisement would become apparent in the vicinity of the Nacton Street/Cleethorpe Road junction which is approximately 0.5 kilometres to the north-west. Although the precise details of the display would not be readily discerned from that point, the changing of images would be visible to drivers.
9. Between Nacton Street and the four-way signal controlled Cleethorpe Road/Victoria Street/Humber Street junction (the Humber Street junction), there are right turn lanes into Bridge Street North and Albion Street respectively, hatched white lines between the carriageways, parking spaces in the left hand lane, two pedestrian refuge crossings and a bus stop. After passing through the Humber Street junction, there are warnings of the bus lane ahead, and vehicles exit the left-hand lane to move into the right hand lane. Overall, drivers need to be focused and vigilant to changing highway conditions including people crossing the road, vehicles changing lane and vehicles pulling out of parking spaces on the approach to the Humber Street junction and the pedestrian crossing outside the appeal premises.
10. The advertisement would be visible from a long distance when approaching along Cleethorpe Road from a north-westerly direction. Whilst the level of illumination could be controlled by means of a condition, due to the combination of the proposed advertisement's position, illumination and the frequency with which images would change, it would be likely to become a visual draw and a distraction for drivers, particularly during busier periods when there is stationary traffic on Cleethorpe Road.
11. Although the accident record submitted by the appellant shows no particular problems in relation to highway safety in the vicinity of the appeal premises, I have not been supplied with any information relating to Cleethorpe Road further to the north-west.
12. The appellant has referred me to an advertisement display at Victoria Street South which the Council approved with a 10 second display change, and which I was able to see as part of my site visit. That advertisement is at a lower height and its location is not comparable in terms of its prominence and visibility from longer distances.

13. The appellant has also referred me to four appeal decisions where a condition restricting the rate of advertisement change to a minimum of 60 seconds has been found to be unnecessary in relation to public safety. From the details given, the advertisement locations at Leicester¹, Blackburn² and Colne³ do not have the same elevated position as the appeal site. Whilst there may be a similarity between the appeal scheme and the elevated position of the advertisement at West Ealing⁴, I have no further information about the road conditions on the approach to that location and I cannot be certain that the circumstances are directly comparable with those of the appeal site. In any case, the appeal has been determined based on the circumstances of the site and the details of the scheme before me.
14. As advised by the Framework, I have considered whether the development could be made acceptable through the use of a planning condition. In this case, the appeal is made against the refusal of advertisement consent and the appellant has previously indicated that they would not be agreeable to a condition restricting the frequency of display changes to a minimum of 60 seconds. In these circumstances, it would be inappropriate to allow the appeal subject to a condition restricting the display change to that frequency.
15. In conclusion, due to the combination of its position and the proposed frequency of the change in the display, the proposed advertisement would have an adverse effect on the safety of highway users. In so far as it is material to the determination of this case, there would be conflict with LP Policy 22 in so far as it seeks to ensure that advertisements respect the interest of public safety.

Other Matters

16. I acknowledge that digital advertisements are becoming a common feature on highways, including for highway warning signs. There is, however, no objection to the principle of a digital display in this location, rather it is the detail of its operation that is the matter at issue.
17. The potential contribution that advertisements can make to economic growth is not a matter to which I can give any weight in the determination of this appeal for advertisement consent, which in accordance with the Regulations has been determined in relation to matters relating to public safety.
18. I note that the Highway Authority reviewed its consultation comments during the course of the planning application. However, it was entirely reasonable for the Highway Authority to provide further clarification of its position in response to the information provided by the appellant, following the planning officer's query in relation to the proposed display change frequency.

Conclusion

19. For the reasons outlined above, the appeal is dismissed.

Sarah Housden INSPECTOR

¹ Appeal Ref APP/W2465/H/17/ 185992

² Appeal Ref APP/M2372/H/21/3275389

³ Appeal Ref APP/E2340/Z/24/3337955

⁴ Appeal Ref APP/A5270/H/18/3215380