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## 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: 19<sup>th</sup> February 2025**

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**Appeal Ref: APP/N3020/Z/24/3354719**

**238 Mansfield Road, Redhill, Nottingham, NG5 8HA**

- 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 Gedling Borough Council.
  - The application Ref is 2024/0375.
  - The advertisement proposed is the “erection of D48 advertisement display”.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

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.

### Main Issue

3. The Council found the proposed advertisement acceptable on public safety grounds, subject to conditions. Given the evidence before me, I see no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on amenity.

### Reasons

4. The appeal site relates to a piece of land that occupies a corner position, at the junction of Redhill Road with Mansfield Road. The surrounding area is mostly residential but there is a veterinary surgery adjacent to the appeal site, as well as a vehicle garage, public houses, and a car wash facility along Mansfield Road. The nearby commercial units have various advertisements displayed, but they are generally of a modest scale, mostly positioned on buildings and relate directly to the respective business operation concerned.
5. The proposed advertisement would be large in size, with the LED screen itself measuring 6 metres in width and 3 metres in height. Therefore, it would be noticeably larger than other commercial advertising in the vicinity and much more obvious because of the method of illumination and nature of multiple static advertisements on rotation. Furthermore, it would have an elevated position, approximately 2 metres from the ground, and above the timber fence of the

adjacent neighbouring dwelling which would exacerbate its presence in the area and harmfully contrast with the generally domestic scale of buildings nearby. The freestanding structure on a prominent corner facing towards Mansfield Road would have a disproportionate presence thereby dominating its immediate surroundings. Consequently, due to a combination of its location, size and illumination the advertisement would appear as a highly prominent and incongruous feature that would be detrimental to the street scene.

6. I note there are other sources of illumination, particularly from the street lighting and traffic lights, near the appeal site. Nevertheless, due to the prominent location of the advertisement, the illuminated changing images would stand out, during both the day and at night, further accentuating its visual prominence and thus its harmful effect on the amenity of the area. This would be irrespective of the appeal site location outside a Conservation Area and away from Listed Buildings.
7. I acknowledge that consideration has been given to the placement and height of the advertisement to avoid harming the living conditions of the occupants of the adjacent dwelling by overshadowing or the effects of illumination. However, the harmful effects on the wider amenity of the area that I have identified would remain.
8. The appellant has drawn my attention to an advertisement that was allowed at appeal<sup>1</sup> in a different city. There are similarities in terms of the advertisements themselves. However, the appeal decision for that case demonstrates that the circumstances of that advertisement were different. In that case it was a replacement of an existing larger externally illuminated billboard with a smaller internally illuminated digital advertisement. The characteristics of the area also appear to be different, as the Inspector described the street scene as 'accommodating a mix of commercial and upper floor residential uses'.
9. My attention has also been drawn to an advertisement consent<sup>2</sup> given by a Welsh council under a different system of advertisement control. Nevertheless, the appeal scheme is not directly comparable with that advertisement, as in that case the advertisement was proposed to replace an existing advertising billboard, where the size and position were largely replicated.
10. The appellant has also referred to several other advertisements, which are shown to be operating during different times of the day, and to an advertisement consent<sup>3</sup> given by a different Council. The details provided for these advertisements are limited, and in any event, they do not demonstrate that the advertisement before me is directly comparable with them. Accordingly, I have considered the appeal scheme based on its own merits and site-specific circumstances.
11. Consequently, I conclude that the proposed advertisement would cause harm to the amenity of the area due to a combination of its size, positioning, illumination and display of changing images. In this regard, the advertisement would conflict with the aims of Paragraph 141 of the Framework.

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<sup>1</sup> Appeal ref: APP/B4215/Z/22/3303626

<sup>2</sup> Swansea Council ref: 2022/1793/ADV

<sup>3</sup> Newcastle-Upon-Tyne City Council ref: 2020/1481/01/ADV

## Other Matters

12. 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.
13. 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

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

*Andreea Spataru*

INSPECTOR