



Appeal Decision

Site visit made on 4 March 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/Z1510/Z/24/3357754

Colemans Bridge Industrial Estate, Colemans Bridge, Witham, Essex CM8 3UN

- 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 Oberon Public against the decision of Braintree District Council.
 - The application Ref is 24/01959/ADV.
 - The advertisement proposed is 'replacement of an existing 48-sheet advertisement display with an LED internally-illuminated 48-sheet advertisement display'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) ('the Regulations') and the National Planning Policy Framework ('the Framework') indicate that advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. I have considered the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on public safety with particular regard to highway safety.

Reasons

4. The appeal site is located alongside Colchester Road, close to the intersection with Colemans Bridge and Eastways and the entrance to the Colemans Bridge Industrial Estate. It currently includes a 48-sheet advertisement billboard which the appeal proposes would be replaced with an internally illuminated display of comparable size. The Council does not raise concerns about the principle of an internally-illuminated display showing static images here, and I have no firm reason to take a different view. However, the appellant seeks to be able to change the displayed image with a frequency of up to once every 10 seconds.
5. The advertisement would be generally orientated towards traffic travelling westbound on Colemans Bridge, but from my observations of the existing display, it would also be visible to traffic approaching from the north east on Colchester Road, as well as from Eastways. These roads are well lit and subject to a 30mph speed limit, and I accept that there is generally good forward visibility on the approach to the site. Nevertheless, they meet at a busy and relatively complex junction where drivers are likely to need to take particular care.

6. The appellant asserts that drivers would be able to glance at any advert without being distracted from the road ahead, but the display would be appreciated sitting either behind or very close to traffic signal heads on the junction. In such close juxtaposition, I consider it would be likely to distract drivers' attention away from the signals, with the likelihood of distraction highest at the point where images change thereby drawing the eye. In this context, the frequent rotation of images sought by the appellant would notably increase the risk that drivers could miss signal changes, leading to potential for conflict with other vehicles.
7. I have been referred to industry guidance advising that static images should generally not change more frequently than every 5 seconds and that 8-12 seconds is considered standard. The appellant also indicates that a rate of image change of once every 10 seconds is typical. That may be, but from the evidence before me, I am not satisfied that such a frequency of image rotation would be safe in this particular situation. Instead, I consider having regard to the circumstances of the appeal site that there would be unacceptable harm to highway safety.
8. I have considered whether my concerns could be addressed by a planning condition stipulating less frequent image change. However, the appellant has specifically commented that restricting the rate of change to once every 24 hours as suggested by National Highways would be unreasonable and has given no indication that any other rate of change might be acceptable to them. In that context, I consider that restricting the image change frequency beyond what has been sought would negate the benefit of the proposal as applied for by the appellant. A potential condition would therefore be unreasonable and so would not offer an appropriate mechanism to make the proposal acceptable.
9. For these reasons, I conclude that the proposal would adversely affect highway safety causing unacceptable harm to public safety. Insofar as it is material, I have had regard to Policy LPP52 of the Braintree District Section 2 Local Plan 2022 which includes a requirement that development should not have a detrimental impact on the safety of highways. Given the harm that I have identified, the proposal would conflict with this policy. It would also be contrary to the Framework insofar as it seeks to promote public safety.

Other Matters

10. The proposal could remove the need for frequent visits to the appeal site to change the advertisement, reducing emissions associated with travel as well as usage of materials in posters. The appellant further states that the display could be used to convey emergency messages at short notice. However, I consider these benefits would be very limited relative to the harm that I have identified. Moreover, there is no indication in the Regulations that such matters may be taken into account and they do not alter my view that the proposal would be unacceptable.

Conclusion

11. There is no dispute between the main parties that amenity would not be harmed by the proposal, and I agree. However, I have found that there would be unacceptable harm to highway safety and I conclude that the appeal should therefore be dismissed.

J Bowyer

INSPECTOR