



Appeal Decision

Site visit made on 26 March 2025

by **A Veevers BA(Hons) PGDip(BCon) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/G4240/Z/24/3349704

388 Manchester Road, Audenshaw, Tameside M34 5RP

- 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 Tameside Metropolitan Borough Council.
 - The application Ref is 24/00342/ADV.
 - The advertisement proposed is described as 'upgrade of existing 48 sheet advert to support digital poster'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Appellant has submitted amended plans with the appeal showing the proposed advert positioned approximately 1m further to the north-east than that set out in the planning application. The change is relatively minor and does not fundamentally alter the nature of the development. The Council has had the opportunity to comment on the amended plans as part of the appeal process. Having considered *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823, I am satisfied the development would not be so changed that to grant it would deprive those who should have been consulted on the amendment the opportunity of such consultation. Accordingly, my decision is made on the proposal as amended.
3. Since the appeal was lodged, a new version of the National Planning Policy Framework (the Framework) has been published. However, as the Framework's content insofar as it relates to the main issues in this appeal has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by my determining the appeal accordingly.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the Framework and Planning Practice Guidance (PPG) confirm that advertisements should be subject to control only in the interests of amenity and public safety. Therefore, whilst the development plan policies referred to by the Council are not determinative, I have taken them into account where relevant.

Main Issues

5. The main issues are the effect of the proposal on public safety and amenity.

Reasons

Public Safety

6. The Planning Practice Guidance¹ (PPG) states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take care are more likely to affect public safety.
7. The proposed sign would be located close to a busy four-arm signalised junction. It would face towards traffic travelling westbound on Manchester Road (the A635) and would also be visible to drivers exiting Snipe Way at its junction with the A635.
8. I note that on approach towards the appeal site from the westbound A635 the road is generally straight and so the junction and traffic signals are visible at some distance. There are streetlights in the area and roads close to the junction are subject to a 30mph speed limit. Nevertheless, even if the proposed advert would not be in the direct line of sight of a primary signal head at the junction, it would be visible to drivers approaching and passing through the junction where decisions must be made about vehicle lanes and turns could or could not be made.
9. The appellants Highway Safety Report² (HSR) provides an assessment of potential driver effects of the proposal in relation to driver distraction and the level of interaction between the proposed advert and road users at the A635 / A6140 (Lord Sheldon Way) / Snipe Way junction. Taking into account Transport for London guidance³ the report indicates that due to, amongst other factors, the straight alignment of the A635, clear sight of the advert and the absence of complicated lane changes at a point where traffic would be slowing when travelling towards the junction, the proposed advert would not necessitate increased cognitive demand for drivers.
10. Even though a right turn movement is not permitted from the A635 to Lord Sheldon Way and there are straight ahead arrows on the road surface on the approach to the junction, when passing through the junction, three straight ahead lanes become two. Furthermore, within a few metres of the point at which the A635 becomes a two-lane carriageway, there is a controlled pedestrian crossing. It would be necessary for drivers to be alert to lanes merging and lights changing at the pedestrian crossing at a point where the proposed advert would be clearly visible in an off-side position. I also noted that, unlike the eastbound carriageway, there are no segregated cycle lanes on the westbound A635 at this road junction. Thus, there could also be cyclists along the road at the point where lanes merge.
11. The changing display and illumination of the advert would draw the eye of road users and cause a distraction whilst drivers would be required to concentrate on the above interactions. This would be particularly so during hours of darkness when illumination of the advert would be likely to be more vibrant, even with luminance controls, and other road users may be less visible. It would also be more likely to occur when the traffic lights on the westbound approach to the junction were on green since drivers will be assimilating the contents of the advert at the same time as passing through the junction.

¹ Paragraph: 067 Reference ID: 18b-067-20140306

² Highway Safety Report Revision 02, SLR Consulting Ltd, August 2024

³ Guidance for Digital Roadside Advertising and Proposed Best Practice, Transport for London, 2013

12. A review of collision data is included in the HSR, provided by the Transport for Greater Manchester and Crashmap databases, which show that there have been a number of road traffic collisions at or near the signalised junction in the last five years, two of which were fatal. I recognise there is no demonstrable evidence that advertisements cause traffic collisions or are inherently unsafe. Be that as it may, even whilst at my site visit, albeit a snap shot in time, I observed potentially dangerous pedestrian behaviour that would require drivers to be especially vigilant at the junction and when travelling along the westbound A635 close to the appeal site.
13. I saw that, in order for pedestrians to safely cross the A635 in the vicinity of the junction, it is necessary to use a signalised pedestrian crossing with a refuge a short distance to the west or a signalised crossing with two refuges at the junction of the A635 with the A6140 further to the east. Rather than walk to these crossings, I saw pedestrians cross 6 lanes of traffic on the A635 at its junction with Snipe Way and Lord Sheldon Way. In view of the distance to controlled pedestrian crossings and the draw of Snipe Retail Park, I cannot be certain other pedestrians would not regularly attempt this crossing. The proposed illuminated advert would add to the distraction for drivers at the junction and pose a risk to pedestrians and cyclists.
14. The appeal site lies within a predominantly commercial area and there are advertisements and illuminations nearby, including the existing paper poster panel currently at the site. Although advertisements along principal routes and those with sequentially changing displays have been in existence for considerable time, for the above reasons, in this case, the changing images together with the illumination of the advertisement at the proposed prominent location would have the potential to distract drivers and other road users where particular concentration is required.
15. I recognise the level of luminance would be controlled as well as the timing of static image sequencing. Nevertheless, such control would not adequately address the harmful distraction that would be caused to road users. I note the PPG suggests that one of the main types of advertisements which may cause danger to road users are those that are illuminated and those subject to frequent changes of the display.
16. In relation to public safety, the appellant has drawn my attention to examples of seemingly comparable advertisements that have been permitted across the country. The examples at the A57, Tameside and the A4, Brentford are digital adverts that replaced two or larger former non-illuminated adverts and are therefore materially different to the case before me. I do not have full details or background to the other cases in Wakefield, Nottingham, Plymouth, Salford, Middlesbrough and Lewisham in order for me to make a robust comparison with the appeal proposal.
17. In any event, the circumstances, including road alignment, juxtaposition of adverts in relation to junctions, position of signs and traffic signals, road safety record, as well as the scale and nature of surrounding development in each proposal are likely to be different. The fact that apparently similar development has been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits as is required of me.

18. Given its juxtaposition to the busy four arm junction, particularly the westbound A635, the evidence presented and what I observed, the introduction of the proposed advert would create an additional visual distraction to users of the westbound A635 that could have severe consequences with potential collisions.
19. For the above reasons, the proposal would be significantly harmful to public safety, with particular regard to highway safety. The proposal would not accord with paragraph 116 of the Framework which seeks to prevent development that would result in an unacceptable impact on highway safety.

Amenity

20. The appeal site is located in a prominent position adjacent to the side elevation of a public house which sits alongside a wide and busy urban road. Although residential development lies to the north, beyond a tram line and vegetation, the surrounding area is predominantly commercial.
21. Snipe Retail Park is located on the opposite side of the road and includes large retail buildings and extensive parking. There are other large industrial and office buildings along the A635 to the east and a three-storey hotel some distance along Lord Sheldon Way to the north-east. Importantly, there are a variety of modestly sized advertisements on other buildings close to the site, as well as a tall, illuminated totem sign, street lighting, traffic signals, road signs and bus stops, all of which contribute to the character of the area.
22. The proposal seeks to replace an existing paper and paste poster board with a 'D-poster' advertisement display of similar size but positioned slightly higher from the ground. It would take the form of a modern, digital six metres by three metres LED display with multiple static content on rotation around every ten seconds. The proposed illuminated advert would be far more noticeable in the street scene than the existing advert, particularly at night and in low daylight conditions. However, it would not face towards residential buildings and would be separated from them by a tram line, trees and vegetation.
23. The PPG suggests that a large poster-hoarding might be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways). In the context of the surrounding development, highway infrastructure, advertisements and the backdrop of the gable of the public house, I find the aesthetic value of the area would not be significantly diminished by the introduction of the proposed advert. It would not add to the clutter of advertisements in the area as it would be an, albeit illuminated, replacement advert.
24. Both parties refer to a Grade II Listed Milestone located close to the appeal site. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 to give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. However, this statutory duty only applies to a grant of planning permission and therefore does not take effect when dealing with an appeal or application for an advertisement within the setting of a listed building. Nonetheless, that a building is listed is a material consideration when considering the effect on 'amenity'.
25. I am provided with little detail with regard to the heritage significance of the listed milestone. However, I was able to see the milestone at my site visit. It is a small

sandstone pillar with one inscribed face that reads '5 miles to Manchester' and another that reads '1 mile to Ashton'. It is located on the opposite side of the A635 to the appeal site within an area of roadside planting that forms part of the retail park. I consider its significance derives from its materials, age and association with a former historic route between the two settlements. Later piecemeal development and modern highway infrastructure now surround the milestone, none of which, including the appeal site, contribute positively to the significance of the listed building, nor the ability to appreciate its significance.

26. Due to its distance from the milestone and intervening highway infrastructure, the proposed advertisement would not obscure any key views or significantly alter its historic setting. Therefore, the proposal would have a neutral impact on the setting and significance of the listed building.
27. For the above reasons, I find the proposed advertisement would not result in a visually incongruous or uncharacteristic feature in the area. It would not have a significantly harmful effect on the amenity of the area. Consequently, insofar as it is material, the proposal would accord with Policy C1 of the Tameside Unitary Development Plan, adopted November 2004 which seeks, amongst other things, that the character of the townscape is respected. I have also taken account of paragraph 141 of the Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

28. The appellant has made other arguments in support of the proposal, including that the display of the advertisement would utilise durable and efficient modern technology, generate economic and environmental benefits, that the site could be used for display of public information, including for charitable use and emergencies, and that it would result in an overall national reduction in the number of adverts. However, matters not relating to amenity and public safety fall outside the scope of this appeal, as defined in the Regulations. As such, these potential benefits do not provide justification for allowing a proposal which would be harmful to public safety for the reasons set out above.

Conclusion

29. I have concluded that the proposed advertisement would not harm the amenity of the area. However, this lack of harm does not overcome the concerns I have identified in relation to public safety.
30. Accordingly, for the reasons given above, the appeal is dismissed.

A Veevers

INSPECTOR