
Appeal Decision

Site visit made on 19 March 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/P4605/Z/24/3353084

Land at Dartmouth Middleway, Birmingham B7 4AT

- 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 Birmingham City Council.
 - The application Ref is 2024/02868/PA.
 - The advertisement proposed is display of no.1 internally illuminated hoarding.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has drawn my attention to the policies within the Birmingham Development Plan and the Development Management in Birmingham Development Plan Document ('DPD') it considers to be relevant to this appeal and I have taken them into account as material considerations. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') may be exercised only in the interests of amenity and public safety, taking account of any material factors. Therefore, in determining this appeal, the Council's policies, in themselves, have not been decisive.

Main Issue

3. The main issue is the effect of the proposal upon amenity.

Reasons

4. The appeal site is located on land associated with a collection of commercial units adjoining Dartmouth Middleway which is a dual carriageway. The road in this location rises to the north-west, towards a bridge crossing a canal beyond which is a busy junction. The road is straight, with longer distance views available from the south-east.
5. There are a number of existing advertisements in the area, including digital screens. Given the proximity of the site to the busy junction there are also a number of large highway signs and street lights. Overall, the character of the area is urban in nature.
6. The proposed advert would be large freestanding digital sign. Due to its size and position on rising land along with its changing imagery, it would be a prominent feature and visible from a significant distance in longer range views. Its illuminated digital nature would naturally draw the eye, and its proximity to the road would only

accentuate its scale to passing motorists. Overall, its size, appearance and position would result in harm to the amenity of the area.

7. Furthermore, there is a proliferation of advertisements in the area around the appeal site, including an existing large digital display located on the opposite side of the road. When viewed in the context of this advertisement and others, and alongside the sizeable and numerous road signage, the proposal would contribute to a high level of visual clutter, also to the detriment of the amenity of the area.
8. I have had regard to the fact that an LED advertisement was previously approved at this site in 2013 and subsequently erected. I saw that this has since been removed, but I have had regard to the photographs provided by the appellant. Although clearly similar to the proposal now before me, I note that the previous advertisement was approved prior to the adoption of current development plan policy. Whilst this may not have been determinative, it nevertheless indicates that the previous proposal was considered in a different context.
9. Moreover, the existence of a previous approval does not necessarily indicate that consent should be granted in all subsequent instances, and the provided photographs do not lead me to conclude that my concerns over the level of harm that would result from the proposal that is now before me are misplaced.
10. I have also been directed to other advertisements that have been approved by the Council since 2020. Although they relate to digital advertisements, none of the examples appears to be comparable to the proposal now before me in terms of topography or context.
11. Overall, the approval and subsequent erection of the advertisement that was previously located on the appeal site, nor the approval of other advertisements by the Council elsewhere in Birmingham, does not lead me to conclude that the proposal before me would not be harmful, or that in dismissing the appeal, that I would be acting inconsistently.
12. For these reasons, I conclude that the proposed advertisement would have unacceptably harmful effect upon public amenity. In reaching this decision, while not determinative, I have taken account of Policy PG3 of the Birmingham Development Plan 2017 and Policies DM2 and DM7 of the Development Management in Birmingham Development Plan Document, as well as the Framework. Together, and amongst other factors, these policies seek to ensure that development should create a positive sense of place, and that advertisements should be suitably located, sited and designed having no detrimental impact on amenity, taking into account cumulative effects, avoiding proliferation or clutter of signage in the public realm.

Other matters

13. I acknowledge and accept that there are a variety of advertisements, some large and prominent, within the area. However, having regard to my reasoning above, I am not led to conclude that they justify the harm that I have identified would result from the proposal now before me.
14. The proposed advertisement would have some benefits, including the ability to relay emergency or public messages, however it is unclear how these benefits would be secured. Equally, although it is stated that the unit would have the

potential to accommodate smart city hardware, this also would not be adequately secured such that it would be a factor to which I could afford a large amount of weight.

15. It is also stated that the proposal would contribute to the overall reduction in advertising panels. While I have no reason to doubt the appellant's claim that overall numbers of advertisements are decreasing nationally as digital units are introduced, there is no indication that the proposal before me would directly lead to the removal of any existing advertisement, or even if it would, how such removal could be adequately secured.
16. When considered in the round, the weight that I afford to the benefits of the proposed advertisement are limited and would not outweigh the harm to amenity that I have found.

Conclusion

17. For the reasons given above, I conclude that the proposed advertisement would be detrimental to the interests of amenity. Accordingly, the appeal should be dismissed.

C Harding

INSPECTOR