
Appeal Decision

Site visit made on 18 February 2025 by J Reed MPlan

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/W4223/Z/24/3356602

Land at Huddersfield Road, Oldham OL3 7HU

- 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 Oldham Metropolitan Borough Council.
 - The application Ref is ADV/353175/24.
 - The advertisement proposed is installation of 2 no. digital D-Poster advertising displays.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. The above regulations require that proposals for express consent be assessed in terms of their effect on amenity and public safety. Policies in the development plan should be taken into account, but only as far as they are material considerations relevant to the main issue(s). Policy 9 of the Oldham Development Plan Document 2011 is concerned with ensuring the safety and security of all sections of the community. The main issue is the effect of the proposals on public safety.

Reasons for the Recommendation

4. The appeal site fronts onto Huddersfield Road, which at this point is a dual carriageway with a central reservation. The proposed sign would be seen by traffic approaching the site in both directions. As well as road users joining from Plane Street, Hill Street, Lower House Street and Miles Street. The proposed sign would consist of two illuminated LED digital displays with regularly changing static images. Each a standard 48-sheet hording size.
5. Planning Practice Guidance notes that all advertisements are intended to attract attention, but those located at points where drivers need to take more care are more likely to affect public safety. In this case, the approach on Huddersfield Road leaving the centre of Oldham is straight allowing long range views of the signage. For drivers on this side of the road their attention may be drawn to the sign on the opposing side of the road. It would be an intervening distraction due to its visibility

and illumination levels which would be inappropriate due to drivers changing lanes and merging from the adjacent junctions.

6. Despite this, there are a number of factors associated with the road layout in this location that mean drivers need to pay particular attention. For vehicles travelling towards the centre of Oldham on the A62 there are two left turns either side of the site for Plane Street and Hill Street as well as a bus stop. Traffic may be slowing down on the approach to the two turn offs ahead as well as being aware of vehicles joining the A62 therefrom. In addition to the potential for the presence of a bus obstructing the inside lane when using the stop. Whilst drivers may glance towards the sign very briefly, their attention would be diverted away from the carriageway ahead and to the left side of the road, where vehicles may be merging from multiple locations in quick succession and changing lanes.
7. There might be limited evidence to suggest a link between digital signs and increased road accidents. I have no reason to doubt that the sign would comply with industry best practice, with limitations on brightness and controls over changing images. Regardless, the purpose of the proposed advert would be to attract attention. The sign could result in additional distraction along a section of road which requires heightened concentration. Even with the suggested controls in place, the scheme could result in additional driver distraction with an associated risk to public safety.
8. The appellant has provided examples of digital signs which have been found acceptable by Councils and Inspectors. When considering the acceptability or otherwise of proposals for advertisements, it is necessary to take account of the particular circumstances of the road layout, and the associated demands on driver concentration in that specific location. The examples provided are in other parts of the country, with different highway conditions, and do not provide a justification to allow the appeal here. With this and the above in mind, the scheme would pose an unacceptable risk to public safety. This would be contrary to the aims of Policy 9 as I have set them out above.

Other Matters

9. Whilst I note the merits of the scheme outlined by the appellant including but not limited to facilitating emergency messaging, reduction in the quantity of signage and tidying up an area, these would not satisfactorily mitigate the harm I have identified. In any event, advertisement consents can only be assessed in regard to amenity and highway safety.
10. The display would be sited along a main dual carriageway in an area which is predominately commercial in character. The scheme would be acceptable in terms of visual amenity. However, this does not overcome the harm to public safety which I have identified above, and this was not a contentious matter for the Council.

Conclusion and Recommendation

11. For the reasons given above, the appeal scheme would not satisfy the regulations and thus should be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR