



Appeal Decision

Site visit made on 19 May 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 July 2025

Appeal Ref: APP/A0665/Z/24/3355680

Cheshire Oaks Trade Park, Stanney Mill Road, Little Stanney, Ellesmere Port, Cheshire CH2 4JZ

- 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 Mr Josh Moores, Hollins Murray Group against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/02160/ADV.
 - The advertisement proposed is 1 x Digital sheet on a monopole."
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Decision

1. The appeal is allowed, and express consent is granted for the display of 1 x Digital 48 sheet on a monopole at Cheshire Oaks Trade Park, Stanney Mill Road, Little Stanney, Ellesmere Port, Cheshire CH2 4JZ in accordance with the terms of the application, Ref 24/02160/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations, and the following additional conditions: -
 - 1) The maximum level of illuminance of each advertisement shall be no greater than 300 candelas per square metre above ambient light levels at any time.
 - 2) The advertisement display shall be fitted with a light sensor, which shall adjust the illumination levels to reflect changes in ambient light levels.
 - 3) The individual advertisements shall contain no moving images, animation, intermittent or full video images, or any images that resemble road signs or traffic signals.
 - 4) The minimum display time for any advertisements shall be 10 seconds and the change between advertisements shall be instantaneous.
 - 5) The advertisement display shall have a default mechanism to turn off or display a black screen in the event of a malfunction.
 - 6) The advertisement display shall not be illuminated between the hours of 00:00 and 06:00 on any day.

Preliminary Matters

2. The Regulations require that decisions be made only in the interests of amenity and public safety. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach. Therefore,

development plan policies and guidelines that the parties consider to be relevant cannot be decisive, but I have taken them into account as a material consideration.

Main Issues

3. The main issues are the effect of the proposal on:

- the amenity of the area; and
- public safety, with particular regard to highway and pedestrian safety.

Reasons

Amenity

4. The appeal site is located at the heavily trafficked Stanlow Halt Interchange, which is the roundabout junction between the M53 flyover and slip road, and the A5117. It is adjacent to a prominent area of commercial units and car showrooms, which are large buildings with some visible signage attached. The Cheshire Oaks Trade Park sign occupies the site between the highway and the commercial units of the Trade Park. It is a prominent feature, raised above the height of the buildings, on a grass verge. Also present within the site context are numerous tall lamp posts.
5. The proposal is for a freestanding 48 sheet digital advertisement display on a monopole within the grass verge. The existing freestanding Trade Park signage, which the Council advises is non-illuminated, would be re-located to a position slightly west within the same verge.
6. The appeal proposal elevated 2.5 metres above the ground with an overall height of approximately 6 metres, would have a significant presence, and a greater presence than the existing freestanding Trade Park signage. There are also no other similar illuminated digital displays in the vicinity. Nevertheless, I find that it would sit comfortably in the foreground of and relate well to the commercial area. It would also respect the scale and context of the large-scale surrounding highway infrastructure, such as the flyover, road layout, engineered junctions, and numerous lamp posts.
7. In addition, given the highway infrastructure, commercial building context and spaciousness around the appeal site, I do not consider that the proposal, together with the relocated Cheshire Oaks Trade Park signage, would amount to a harmful accumulation of advertisements in this location, or a cluttered appearance.
8. On the basis of conditions suggested by the main parties, I am satisfied that sufficient controls could be put in place to mitigate any visual harm relating to luminance.
9. Although not determinative, I have had regard to policy ENV6 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies, and policy DM17 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (Local Plan Part One and Local Plan Part Two). Amongst other matters, policies ENV6 and DM17 require that proposals respect the characteristics of the locality.
10. Policy DM17 also expects amenity to be enhanced in situations, such as the appeal proposal, where the proposal would involve the use of land for the display of adverts unrelated to the premises where it is located. Whilst the proposed advert

would complement the character and appearance of its locality, it would not enhance amenity. However, the wording of policy DM17 means that 'enhancement' is not a rigid policy requirement. Given the location of the proposed advertising display in a car dominated, large scale business and commercial area, this is a situation where enhancement of amenity is not essential. Even if the opposite was the case, enhancement is a higher test that goes beyond the provisions of the Regulations, the Framework and the PPG.

11. In terms of illumination, policy DM17 refers to business signs on premises, and is silent on schemes such as the appeal proposal. Taking all these matters into account, I find that no material conflict would occur between the appeal proposal and policy DM17 of the Local Plan Part Two.
12. In conclusion, I find that in this specific situation the display would be acceptable having regard to the amenity of the area.

Public Safety

13. The digital display would directly face traffic travelling eastbound on the A5117 signalised Stanlow Halt interchange. There is a shared footway/cycleway passing in front of the appeal site, and the road junction with Cheshire Oaks Trade Park is a short distance beyond. The Council states that the interchange has a steady flow of traffic throughout the day that noticeably increases during the traditional AM/PM traffic periods and at weekends. Close by, is Cheshire Oaks Retail Park, which the Council advises generates significant levels of traffic at times.
14. On the approach to the appeal site, when the proposed display would come into view, traffic is travelling in one direction, on a long straight section of road. In this vicinity, painted lane markings clearly identify three lane filter options, ahead of a stop line. Whilst the proposed display would be visible to drivers making these lane selections, it would still be some distance away, with good forward visibility prior to the stop line and the proposed display. As such, drivers would have time to assimilate the display into their viewpoint from a distance, such that the level of distraction would be minimised. Moreover, the accumulation of signage as a result of the proposal, together with the relocation of the existing signage, would not give rise to harm in respect of public safety for the same reasons.
15. In addition, there are clear lane markings and signage on the approaches to the Interchange from all directions. These indicate lane requirements for the motorway slip roads, the A5117, and Cheshire Oaks Retail Park, enabling drivers to make early decisions. Furthermore, the signalised stop line associated with the crossing point for the footway/cycleway is at a location where the digitalised display would not be discernible.
16. I acknowledge that more generally, the Interchange is a location where slowing down, turning manoeuvres, lane changes and diverge manoeuvres are a constant feature. Also, that visitors to Cheshire Oaks Retail Park may be unfamiliar with the road layout, requiring additional concentration. However, from my observations on site and taking account of the appellant's accident data, the long straight sections of the interchange under the motorway, including in the vicinity of the appeal site, allow time for these decisions to be made. Moreover, a large proportion of drivers would have made their decision to exit towards the Cheshire Oaks Retail Park, prior to the proposed display coming into view.

17. I am mindful of the PPG, which gives examples of junctions, roundabouts and pedestrian crossings as locations for adverts that are more likely to affect public safety. I also acknowledge the Highway Officer objection. However, based on the evidence put forward, and my observations at my site visit, I find it has not been demonstrated that there would be an increased risk to public safety, including the safety of pedestrians.
18. Policies ENV6 and DM17 of the Local Plan, Part One and Part Two also require that proposals do not cause unacceptable harm to public safety and ensure ease of movement with priority for pedestrians and cyclists. I find no conflict with these policies in this regard.
19. In conclusion, I find that in this specific situation the display would be acceptable having regard to public safety with specific regard to highway and pedestrian safety.

Conditions

20. The five standard conditions as set out in the Regulations will apply, as confirmed in the Decision paragraph. Additionally, to reduce harm to public safety through distraction of road users, and to protect amenity, I have attached conditions relating to illuminance, display, transition of images, malfunction mitigation and timing. Both parties have been given the opportunity to comment on these conditions.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

E Heron

INSPECTOR