
Appeal Decision

Site visit made on 9 June 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 JULY 2025

Appeal Ref: APP/R2330/Z/25/3362230

Land at Eastgate, Accrington BB5 1AJ

- 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 Premier Vue against the decision of Hyndburn Borough Council.
 - The application Ref is 11/24/0512.
 - The advertisement proposed is installation of 1no illuminated 48-sheet digital poster display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under the above Regulations, powers to control advertisements are to be exercised only in the interests of amenity and public safety, taking account of the provisions of the development plan, so far as they are material and any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach, with the Framework adding that cumulative impacts can be considered.
3. The Council has referred to a development plan policy in its reason for refusal, which I have taken account of only as far as it relates to the issues of amenity and public safety.
4. The Council has raised no objection in respect of amenity, and I observed nothing which would lead me to dispute this conclusion, subject to suggested controls on luminance and display.

Main Issue

5. The main issue is the effect of the proposed advertisement on public safety.

Reasons

6. The appeal site is located within the urban setting of Accrington, adjacent to the entrance to Eastgate Car Park. Eastgate is a dual carriageway, which was busy at the time of my site visit, with traffic travelling towards its junction with Whalley Road queuing intermittently between signal changes beyond the location of the appeal site. Eastgate is relatively straight. However, it turns on its approach to the signalised junction with Whalley Road.
7. The proposal seeks the installation of a large 48-sheet digital advertisement that would be sited on the verge adjacent to and on the car park side of Eastgate,

angled in a way to be visible to motorists on the opposite side of the carriageway, travelling towards Whalley Road.

8. The PPG acknowledges that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety, including where local conditions present traffic hazards.
9. Despite the proposed advertisement showing static imagery with no special effects and conforming to well-used industry standard restrictions in terms of image rotation timings and luminescence, due to its large scale, prominence and siting, motorists' attention would be diverted towards it on the opposite side of the carriageway when travelling along Eastgate towards its junction with Whalley Road. Consequently, there is a substantial risk that motorists would be distracted away from potential standing traffic build up when the signals at Eastgate's junction with Whalley Road are on red. This was observed on my site visit at a time outside of what is likely to be the busiest period of the day, when standing traffic is likely to be greater.
10. Furthermore, Eastgate curves away from the appeal site towards its junction with Whalley Road, not far from the location of the proposed advertisement. There is a high degree of possibility that motorists would be distracted by the advertisement, looking in the opposite direction to their trajectory of travel, thereby increasing the risk of collisions occurring.
11. Examples of existing advertisements and advertisement proposals have been included in the appellant's evidence as cases that have been found to be acceptable in terms of effect on public safety. The examples are from a wide geographical area and in different contexts to the appeal proposal. For example, some of the advertisements are located in-line with the travelling direction of motorists, in areas with high concentrations of advertisements, close to signalised junctions and closer to existing built development. The examples provided are therefore not comparable to the proposed advertisement and I have considered it on its own planning merits.
12. For the above reasons, I find that motorists travelling along Eastgate towards Whalley Road are at risk of being unsatisfactorily distracted by the proposed advertisement, with the potential of causing road traffic collisions, and thus the proposed advertisement would have an unacceptable effect on public safety.
13. I have taken account of the provisions of Policy DM27 of the Hyndburn Local Plan Development Management document (2018), which states that public and highway safety will be taken into consideration when assessing whether an advertisement is acceptable, and so is material in this case. Given that I have concluded that the proposal would have an unacceptable effect on public safety, the proposal conflicts with this policy.

Other Matters

14. The appellant forwards the case that there has never been an incident in the UK caused by LED screens. Whilst this may be correct, this could be for many reasons, including the result of effective planning decisions to avoid such occurrences.

15. The appellant has suggested the imposition of a shorter consent than the normal 5 years for advertisements and an associated planning condition requiring safety monitoring to be undertaken during this time. Public safety is a matter that should be considered with great care given that the consequences of dangerous highway conditions could be substantial. In this regard, the imposition of such a condition, in relation to a proposal where I have found an unacceptable effect on public safety, is likely to be ineffective and therefore fail to meet the test set out in the PPG. Furthermore, a serious incident could occur during that period of monitoring.

Conclusion

16. For the reasons given above, and having regard to all matters raised, I conclude that the advertisement would have an unacceptable effect on public safety and the appeal should be dismissed.

L Fern

INSPECTOR