



Appeal Decision

Site visit made on 20 June 2025

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/X2220/Z/24/3357454

Limekiln Street, Dover. Grid Refs: Easting - 631533 and Northing - 140546

- 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 Ltd against the decision of Dover District Council.
 - The application Ref is 24/00669.
 - The advertisement proposed is a 96 sheet digital advertising display .
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the decision made by the Council on the application to which this appeal relates, the Government published a revised National Planning Policy Framework (December 2024) (the Framework). I consider that there have been no major changes relevant to the main issues in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.

Main Issues

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) sets out that powers under those Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
4. From the material submitted for the purposes of this appeal the main issues are the effect on:
 - The character and appearance of the local area; and
 - Public safety as it relates to road users.

Reasons

Character and Appearance

5. The proposed internally illuminated advertisement LCD screen would measure 12 x 3 metres in a horizontal format, with a relatively slim profile. This would be positioned approximately 2 metres above ground level. This would display advertisements for a minimum of 10 seconds, with an almost instant transition

between displays. The proposal is that the level of illumination of the screen automatically varies, responding to time of day and ambient light conditions. The appellant has suggested that a maximum nighttime illumination level of 300cd/m² could be made the subject of a suitably worded condition should I be minded to allow the appeal. The proposal would however remain illuminated through the night. The appellant has stated that during the day that the proposal would have the appearance of a more traditional paper poster display. However, the proposal would be an internally illuminated screen, and I have considered the visual effect of the display accordingly, albeit with the ambient light level variation to the illumination.

6. The location of the proposal would be adjacent to a roundabout on the A20 on land that has previously been paved and appears to be part of a parking area associated with a large petrol service station. This location is some distance and visually separate from the petrol service station buildings and the arguably necessary visual clutter of its associated internally illuminated and non-illuminated advertisements. However in longer views along the A20 in both directions, the proposal would appear during both daytime and nighttime as an addition to this visual clutter and its illumination, without being directly adjacent to or part of the services offered by the petrol service station.
7. The proposal would face towards the centre of the roundabout and would be seen by its users against the extensive greenery and chalk of a steep cliff bank, immediately to the rear of the proposed advertisement's location. The scale and nature of the internally illuminated advertising screen would appear in incongruous contrast to the natural greenery and exposed geology of the cliff bank, particularly during the daytime.
8. Given the scale of the proposal, its internal illumination and its standalone and elevated positioning, it would also appear conspicuously in wider views of the local townscape, and would compete with longer views over the town, the harbour, Dover Castle and the sea. The proposal would detract from these views, particularly for those approaching Dover along the A20. As such, the proposal would represent an unduly prominent and detrimental addition to the streetscape and townscape of the area at all times of day.
9. The detrimental effects of the proposal I have identified above would be compounded by the changing of the advertisements of the proposed illuminated display, which would have the effect of significantly drawing the eye, further accentuating its prominence and, as such, would appear visually dominating within the local area.
10. The appellant has provided an image that is intended to show that an internally illuminated LCD screen advertisement would have the same appearance as a paper poster. Given the limited information that can be gleaned from such an image in this regard, I have afforded this comparison only limited weight in my considerations. The appellant has also provided 5 photographs of existing LCD advertising screens in 5 different locations at different times of the day. Whilst this illustrates the nature of the illumination in relation to their locations in particular light conditions, their locations vary significantly from that of the proposal and would have been considered on their own individual merits at the time of their approval. Accordingly, I have afforded them only little weight in my considerations.

11. For these reasons, the proposed advertisement would constitute an unduly prominent and incongruous element within the streetscape of the local area, detracting from its visual amenity, which would result in substantial harm to the established character and appearance of the local area. This would conflict with Paragraph 141 of the Framework, which seeks to ensure that advertisements do not harm the quality and character of places

Highway Safety

12. The roundabout directly adjacent to the proposed location for the advertisement is on the A20, part of the Strategic Road Network (SRN) and is the main approach to the Port of Dover from the M20. At this point the A20 is a two lane, dual carriageway with central barrier, with a speed limit of 40mph. The roundabout is not light controlled, but there is a light controlled pedestrian crossing near to an access to the petrol service station from the A20. The approach to the roundabout when heading towards Dover on the A20 is downhill and there is a highway warning sign to alert drivers of the potential for a slippery road on the approach to the roundabout.
13. As a result of the proposal's scale and raised position it would be seen by drivers using the roundabout whilst travelling along the A20 in both directions, as well as by drivers joining the A20 at the roundabout from its junctions with Elizabeth Street and The Viaduct, which leads to Port of Dover facilities.
14. The level of illumination of the proposed advertisement screen would be in accordance with the ILP guidelines¹. However, as noted within the PPG², advertisements are intended to capture the attention of the receptor and advertisements that are more likely to affect highway safety are those located in areas where they are at a junction, or at any point of access to a highway. In addition, it states the types of adverts that may cause danger to road users include those that are internally illuminated and/or with frequent changes of display.
15. As part of the SRN, this part of the A20 is a busy road that plays a central role in the function of the Port of Dover, as well in regional traffic movement. Given the function of the port, the roundabout is well used at all times of the day, all year round. It is noted that there will be particularly busy times, often associated with the functioning of the port. The proposed position of the advertising screen, next to and facing onto a roundabout on the SRN, would result in it being evident and to appear prominently in the views of roundabout users, including when accessing and using it from all of its junctions.
16. The function of the roundabout requires drivers to make critical decisions and adjustments related to their speed and road position, in order to accommodate other users with the right of way on the roundabout. I consider that this results in the roundabout being an environment for a driver where, in order to make safe progress through the roundabout and its junctions, there are many competing factors for them to assess and accordingly react to.
17. The Appellant's Highways Technical Note³ (HTN) provides Kent County Council's (KCC) road safety record of the roundabout and immediate local area for the 5 year

¹ Institute of Lighting Professionals Guidelines: PLG05 The Brightness of Illuminated Advertisements (2023)

² Planning Practice Guidance

³ AXIS: Highways Technical Note 01 Ref:5052-HTN01 (November 2024)

period from July 2019 to June 2024. Of 8 incidents recorded by KCC during that period, 6 are defined as slight, with five of these being on the roundabout itself. The other two incidents are defined as serious and involved collisions with pedestrians and are associated with a light controlled pedestrian crossing of the A20 adjacent to the access for the petrol service station. One of these involving a vehicle approaching the roundabout.

18. Whilst the appellant's HTN characterizes the incidents recorded by KCC during this period as low, despite the 2 serious incidents identified, due mainly to the high number of vehicles using the highway at this point, these incidents are without the proposed digital illuminated advert in place.
19. Given the existing level of competing factors for drivers assessing and using the roundabout, the busy nature of the roundabout at all times of day and the number of larger trucks accessing the port, I am concerned about the distracting effect of the proposed LCD screen with changing advertisements. The proposal, by design, is intended by design to draw attention to itself, and, given the requirements of drivers to make safe progress through the roundabout, I find that the proposal and its changing illuminated advertisements would have a distracting effect on these drivers. Thereby leading to a significant increase in risk to road safety, for all road users, but particularly for cyclists, pedestrians and other vulnerable road users at all times of the day.
20. The appellant's HTN also refers to Case Studies of the road safety risk presented by existing LCD screens in 5 locations thought Britain. Whilst these case studies demonstrate no evident link between such advertisement displays and harm to road safety, they only relate to where such advertisements have been approved as being satisfactory with regard to their effect on road safety, and, therefore, not based on data related to those locations where such advertisements have been refused on the basis of harmful effects on road safety. I have therefore given these case studies only very limited weight in my considerations.
21. For the reasons given, the risk to highway safety at this location is likely to increase as a result of the siting, size, illumination, and changing display of the proposed advertisement. Despite the appellant's proposed conditions to mitigate against the levels of illumination and frequency/method of change, I consider the proposal has the ability to distract road users at a time when they should be paying particular care and attention to the road and other users. The proposal, therefore, could prejudice road safety and as such would conflict with the Framework and PPG in the objective to promote safety in this regard.
22. The appellant has drawn my attention to the before and after visual effects, of the change of paper and paste poster sites to digital billboards. Whilst I acknowledge that the proposed types of digital billboard are becoming common features of road corridors, no existing advertisement is in place at the appeal location, and no further information has been provided on these other locations with regard to road safety. I have, accordingly, afforded these only little weight in my considerations.
23. For the reasons given above, I find that the proposed advertisement would result in substantial harm to public safety as it relates to road safety. This would be contrary to Paragraph 068 of Advertisements PPG⁴ and Paragraph 141 of the Framework.

⁴ PPG paragraph 068 Reference ID: 18b-068-20140306

Together these seek to ensure that advertisements do not constitute a road safety hazard and are not harmful to public safety.

24. Whilst I have had regard to the appellant's suggested conditions, including the control of the level of illumination of the proposal at night and the time between advertisement changes and the length of that transition, these would not overcome the harm I have identified and would not, therefore meet the requirements for conditions set out in the PPG and the Framework.
25. The appellant has drawn my attention to benefits that they believe result from the proposal. I find, however, that the listed potential benefits of reduced vehicle movements and waste resulting from changing poster displays only relate to there being an existing poster display that would be replaced, and that is not the case here. The benefit of greater access to advertising for local businesses would be limited, as other advertising sites are available within the wider area. The economic benefits of the potential for an increase in business rates is likely but would be limited and marginal in scale. The social benefits indicated for public, or emergency messages are potential rather than defined benefits. The possibility of integrating hardware to meet 'Smart City objectives' is also a potential rather than definite benefit. As these benefits are potential, limited or marginal, I have only afforded them limited weight in my considerations.

Planning Balance and Conclusion

26. Whilst the advertisement screen has limited public benefits, as set out above, these do not outweigh the significant harm to the visual amenity of the area and the substantial harm to public safety I have identified. The appeal is dismissed accordingly.

V Callister

INSPECTOR