



Appeal Decision

Site visit made on 2 July 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/K0235/H/25/3361736

Advertising hoarding to the rear of 46 to 50 Prebend Street, Bedford MK40 1QW

- 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 Bedford Borough Council.
- The application Ref is 24/02216/ADV.
- The advertisement proposed is described as 'conversion of poster advertisement display to D-Poster advertisement'.

Decision

1. The appeal is allowed, and express consent is granted for the 'conversion of poster advertisement display to D-Poster advertisement' at the advertising hoarding to the rear of 46 to 50 Prebend Street, Bedford MK40 1QW in accordance with the terms of the application, Ref 24/02216/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) and the following additional conditions:
 - 1) There shall be no moving images, animation, video or full motion images displayed.
 - 2) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m².
 - 3) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institute of Lighting Professionals – Professional Lighting Guide (PLG 05) 'The Brightness of Illuminated Advertisements including Digital Displays' (2023) in cd/m².
 - 4) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.
 - 5) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display shall include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

Preliminary Matters

2. The Council has drawn my attention to development plan policies it considers to be relevant. Section 3(1) of the Regulations limits my considerations to those relating to amenity and public safety. Accordingly, whilst I have had regard to them as a material consideration, the policies cited by the Council have not, by themselves, been decisive.
3. The Council do not have concerns regarding amenity, and I have no reason to disagree. I have defined the main issue on this basis.

Main Issue

4. The main issue is the effect of the proposed advertisement on public safety, with particular regard to highway safety.

Reasons

5. The appeal site relates to the rear elevation of a two-storey building located on Prebend Street, located in a mixed-use commercial area. The proposed advertisement would be the same size and located in the same position as an existing poster advertisement it would replace. It would face towards the entrance of a Royal Mail delivery office and Ford End Road, close to a roundabout serving Prebend Street, Ford End Road, Midland Road and Rutland Road.
6. Drivers would have a clear view of the proposed advertisement, which would not obstruct the visibility of the existing approach to the roundabout or access to the Royal Mail site. Drivers would be unlikely to be driving at high speed due to the 20mph and 30mph speed limits in the vicinity of the site and due to the impending junction. Furthermore, drivers would be past the advertisement, before reaching the pedestrian crossing point and/or entering the roundabout. On this basis, I find no reason to disagree with the appellant's Highway Safety Report which states that drivers would be able to simultaneously process both the proposed advertisement and the approaching roundabout without compromising safety or awareness.
7. Even though the surrounding routes are heavily trafficked, the appellant's evidence indicates that collisions in locations where the existing advertisement is visible is low. Unlike the existing advertisement, the proposed advertisement would be internally illuminated and would exhibit static advertisements on rotation.
8. The proposed advertisement changeover rate would be once every 10 seconds. The displays themselves would be static and would change instantaneously. Therefore, in the context of the commercial environment within which the appeal site sits, even if a change were to occur in view of a driver, this would not cause a significant distraction or increased risk of accidents. For the same reasons, drivers entering/exiting the Royal Mail site, using other nearby roads or glimpsing the advertisement through rear-view/wing mirrors would unlikely be distracted. Moreover, there is no dispute between the main parties that luminance levels would accord with the relevant recommendations set out in the Institute of Lighting Professionals Guidance¹.

¹ Professional Lighting Guide PLG 05/23, The brightness of illuminated advertisements including digital displays by the Institution of Lighting Professionals (2023)

9. I am mindful of the Planning Practice Guidance (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 to drivers and/or pedestrians, as a result of the replacement advertisement.
10. I conclude that the proposed advertisement would not result in an unacceptable effect on public safety, with particular regard to highway safety. In reaching this decision, I have had regard to Policy 34 of the Bedford Borough Council Local Plan 2030 (2020) which requires proposals to consider impact on public safety, particularly on the operation of highways. This policy is therefore material in this case, along with Paragraph 116 or 141 of the National Planning Policy Framework (the Framework). Given that I have concluded that the proposed advertisement would not harm public safety, it does not conflict with Policy 34 or the policies of the Framework.

Other Matter

11. The Council have drawn my attention to an appeal decision which allowed a similar advertisement at 66-70 Cauldwell Street². It suggests that this decision is not comparable to the appeal proposal. I agree that this example and the examples cited by the appellant are not directly comparable to the appeal proposal, since they are located on different streets in Bedford, or in different areas altogether with differing site-specific contexts. In any event, I have considered the appeal proposal on its own merits.

Conditions

12. The five standard conditions as set out in the Regulations apply, as confirmed in the Decision paragraph. Additionally, the Council has requested conditions to control the display and luminance of the advertisement. The appellant has also provided a list of conditions within their statement which align with those suggested by the Council, with added distinction between luminance levels in hours of darkness and daylight in accordance with recommended levels set out in the Institute of Lighting Professionals Guidance suggested. In this regard, conditions relating to luminance in the hours of darkness and daylight, display, transition of images and malfunction mitigation are reasonable and necessary in the interests of amenity and public safety.

Conclusion

13. For the reasons given above the appeal should be allowed and express consent granted, subject to the five standard conditions set out in the Regulations and the additional conditions set out above.

H Marriott

INSPECTOR

² Appeal ref: APP/K0235/Z/22/3296121