



---

## Appeal Decision

Site visit made on 27 May 2025

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

an Inspector appointed by the Secretary of State

Decision date: 11 JULY 2025

---

**Appeal Ref: APP/G4240/Z/25/3363084**

**Land lying to the north of Johnsonbrook Road, Dukinfield SK16 5RZ**

- 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 Tameside Metropolitan Borough Council.
  - The application Ref is 24/01023/ADV.
  - The advertisement proposed is installation of 1no. digital display ("D-Poster").
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters and Main Issues

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's reasons for refusal refer to the effect of the proposed development on the significance and general character of Ashton Town Centre Conservation Area (the CA) and conflict with planned investment within the public realm as part of the redevelopment of the Market Square. As evidenced by the appellant, both the CA and the Market Square are a considerable distance from the appeal site and having visited the site and surroundings, I agree that neither would be affected by the proposed advertisement. Furthermore, the Council's officer report does not refer to either the CA or the Market Square redevelopment in assessing the proposed advertisement and I am content that neither were intended to be referenced in the reasons for refusal.
4. The Council has referred to development plan policies in its reasons for refusal, which I have taken account of only as far as they relate to the issues of amenity and public safety, and do not relate to heritage for the above reasons.
5. It therefore follows that the main issues are:
  - the effect of the proposed advertisement on the visual amenity of the surrounding area; and
  - the effect of the proposed advertisement on public safety.

## Reasons

6. The appeal site comprises a prominent grassed area set adjacent to and at a slightly elevated position from the busy signalised road junction between Johnsonbrook Road, Birch Lane, Ashton Road and Cheetham Road, located within a predominantly residential neighbourhood in Dukinfield. Numerous Puffin crossings are present to guide pedestrians over the various road intersections.
7. Only a small amount of localised commercial development exists in the immediate surroundings, notably Dukinfield Convenience Store and the small, attached barbers' shop, which are located on the opposite side of Birch Lane.
8. It was observed on my site visit that the area in proximity to the appeal site is markedly devoid of large-scale commercial advertisements. Those that are present are modest in size, with many associated with advertising the few commercial premises that are present. They are also clustered on the opposite side of Birch Lane in the vicinity of the commercial premises and are proportional to their setting.
9. The proposal comprises a large 48-sheet internally illuminated digital advertisement that would have multiple static displays on rotation and is proposed to be sited facing towards the road junction and along Ashton Road.

## *Visual Amenity*

10. The large advertisement would be sited in an area that is largely devoid of signage and street clutter, particularly on this side of Birch Lane, that would normally be associated with commercial areas. This emphasises the predominantly residential nature of the area and I do not accept that the vicinity has a mixed-use character. In this regard, the limited signage that currently exists in the area is small scale and non-illuminated.
11. Due to its scale and slightly elevated position, the proposal would introduce an overly dominant commercial feature to an area of incidental landscaping that contributes positively to the visual amenity of an area that is otherwise lacking in open and green space. It would therefore be an incongruous addition within the street scene to the detriment of the visual amenity of the area.
12. Furthermore, the illuminated nature of the proposal would exacerbate the advertisement's dominance, even if it were subject to lighting controls, resulting in over-commercialisation of the area.
13. Thus, for the above reasons, I find that the proposed advertisement would have a harmful effect on the visual amenity of the surrounding area.
14. The appellant has drawn my attention to numerous examples of large digital advertisements that have been granted planning permission. Whilst the size and type of advertisement is relatively comparable in each case, the examples are in very different locational contexts to the appeal site, which as previously discussed, is in a predominantly residential area. Many of the examples are in or adjacent to either heavily commercialised or light industrialised areas where such advertisements are more common and appropriate to their settings, and others are sited on buildings, thereby reducing their effect on the visual amenity of the surrounding area. For these reasons, I find the examples are not directly comparable to the current appeal proposal.

15. I have taken account of the provisions of Policy C1 of the Tameside Unitary Development Plan (2004). The policy, amongst other things, expects proposals to understand townscape and landscape character, and to respect the nature of the surrounding fabric, and so is relevant to this case. Given that I have concluded that the proposal would harm visual amenity, the proposal conflicts with this policy.

### *Public Safety*

16. Due to the position and orientation of the proposed advertisement, it would be most visible to motorists travelling along Ashton Road towards Birch Lane and those turning right onto Birch Lane from Cheetham Hill Road. In both instances, the advertisement would be located in-line with motorists' direction of travel, and it is therefore unlikely that the proposed advertisement would cause attention to be diverted away from the junction and associated signals.
17. It is acknowledged that the proposed advertisement would sit to the rear and in the sight line of the left signals for motorists travelling along Ashton Road towards Birch Lane. However, secondary signals exist on the opposite side of the junction, which would be unobstructed, vehicle speeds are low with a 30-mph speed limit in place, and the proposed advertisement would be set back a considerable distance from the signals, thereby reducing the effect of the advertisement's illumination. All of these factors would reduce the risk of motorists either being distracted by the proposed advertisement or mis-interpreting the junction signals.
18. Thus, for the above reasons, I find that the proposed advertisement would not have a harmful effect on public safety.

### **Other Matters**

19. There are understandable business and environmental benefits to digital advertising from a monitoring, management and maintenance perspective. However, paragraph 141 of the Framework makes it clear that advertisements should be subject to control only in the interests of amenity and public safety, and I am therefore unable to take such considerations into account in my deliberations.
20. The appellant also asserts that provision of the proposed advertisement would be part of a national strategy of consolidation to replace traditional advertising hoardings with modern digital formats, which would see a reduction in advertisements overall. Whilst I agree that this would likely be of benefit to overall visual amenity nationally, I am conscious that I am tasked with assessing visual amenity in the context of this particular appeal site and I have found harm accordingly. Moreover, there is no existing advertisement in this case.

### **Conclusion**

21. For the reasons given above, and having regard to all matters raised, I conclude that the advertisement would harm visual amenity, and the appeal should be dismissed.

*L Fern*

INSPECTOR