



Appeal Decision

Site visit made on 11 July 2025

by **J D Westbrook BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 July 2025

Appeal Ref: APP/W4223/Z/25/3366340

Roton Compressor Services Ltd, Roton House, Ellen Street, OLDHAM, OL9 6QR

- 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 Vivid Outdoor Media Solutions (A) Limited against the decision of Oldham Council.
 - The application Ref is ADV/353465/24.
 - The advertisement proposed is the erection of 1 x 48-sheet LED illuminated advertisement (3.2m x 6.2m)
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Decision

1. The appeal is allowed and express consent is granted for the erection of 1 x 48-sheet LED illuminated advertisement (3.2m x 6.2m) at Roton Compressor Services Ltd, Roton House, Ellen Street, OLDHAM, OL9 6QR, in accordance with the terms of the application, Ref ADV/353465/24, dated 17 September 2024. 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 2007 Regulations, and the following additional conditions:
 1. The intensity of the illumination of the sign permitted by this consent shall be no greater than 300cd/m² during the period between sunset and sunrise.
 2. There shall be no scrolling effects (including noise, animation, flashing, intermittent illumination, scrolling or video elements) of any kind during the time that any advertisement is displayed.
 3. The sequential advertisement on any display panel shall not change more than once every ten seconds.
 4. The interval between successive displays shall be instantaneous with no flashing and a smooth instant change into the next static poster image, and the complete screen shall change. There shall be no visual effects including swiping or other animated transition methods between successive displays.

Main Issue

2. The main issue in this case is the effect of the proposed illuminated advertisement on public safety as it applies to highway users.

Reasons

3. The proposed advertisement would be sited at the rear of the property known as Roton House, close to the gable end of a commercial unit to the south. Both properties are situated on the western side of Featherstall Road, between its junctions with Ellen Street and Quebec Street. The advertisement would be a single 48 sheet, LED illuminated display set upon steel supports, and its base would be some 2.5 metres above ground level. It would be set around 7 metres away from the rear of the pavement alongside the highway and would face north, such that it would be visible only to traffic travelling south from the Featherstall Road North roundabout.
4. The 2007 Regulations, National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) make it clear that advertisements should be subject to control only in the interests of public safety and amenity. In this case, there have been no issues raised with regard to amenity and I concur with that view. The main issue therefore relates to public safety and, in addition to the above documents, I note that Policy 9 of the Council's Joint Core Strategy and Development Management Policies Development Plan Document (DPD) indicates that development should not harm the safety of road users.
5. The Council contends that the proposed illuminated display, by virtue of its proximity to an uncontrolled pedestrian crossing; road layout considerations to the south, and long views along the A6048 towards the advertisement will distract drivers' attention on the approach to it and lead to an increase in the risk of accidents to the detriment of highway safety.
6. Featherstall Road, as it leads off the roundabout, curves to the south and straightens as it approaches a pedestrian crossing with central island to the north of the advertisement site. The advertisement itself would be directly visible as vehicles leave the roundabout, but it would be sited well away from the western edge of the highway, on the opposite side of the road from the southbound traffic, and would become peripheral to the view for drivers as the curve straightens. At the time of my visit, early to mid-morning, there was a steady flow of traffic in both directions, although only traffic travelling south would be able to see the advertisement.
7. At the time of my visit there were no advertisements on the site of the current proposal, though there is evidence that two large advertisements were attached to the gable wall of the adjacent commercial unit in the recent past.. On this basis, it would effectively occupy a similar position to one of the earlier advertisements, which was similarly distant from the highway edge, and there is no evidence that these earlier advertisements had any significant harmful effect on highway safety.
8. Illuminated advertisements are intended to attract the attention of highway users and I acknowledge that change of images and levels of illumination could cause a momentary distraction to drivers of vehicles. However the frequency of the change of the advertisement proposed would be no less than 10 seconds and for many drivers it would not change during their passage along this part of the road. In any event, it would be highly unlikely to distract drivers or pedestrians to a degree that would result in harm to public safety, including to pedestrians crossing the road at the nearby crossing. The degree of illumination can be controlled by way of a condition.

9. The Highway Authority makes note of an existing poor record of highway safety in this location. Data for the latest five year period available (November 2019 to October 2024) apparently reveals that there have been 16 reported road injury collisions in the immediate area. However, information provided by the appellants shows that incidents would appear to be concentrated at or around the roundabout itself, and I do not consider that the proposed advertisement would be likely to impact on this pattern. Furthermore, I find the highway conditions within the vicinity of the site are uncomplicated with good visibility for both drivers and pedestrians.
10. The appellants have referred to a number of applications for LED illuminated displays around the Oldham area where subsequent appeals against refusal have been successful. Whilst each application must be treated on its own merits, I note that the circumstances of many of these examples have significant similarities to the current proposal, and my conclusions are also very similar to those of the previous inspectors who allowed the appeals for similar reasons.
11. I conclude that the proposal would not be harmful to public safety as it relates to highway users. As such there would be no conflict with Policy 9 of the DPD or with the safety aims of Paragraph 116 of Chapter 9 of the Framework.

Conditions

12. I have attached further conditions in order to avoid glare, dazzle or distraction to passing motorists in the interests of road safety.

J D Westbrook

INSPECTOR