



Appeal Decision

Site visit made on 28 July 2025

by **A Hartley, LLB (Hons), Solicitor, MBA**

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/M4510/Z/25/3367610

Land to the East of Millers Road, Newcastle-upon-Tyne NE6 2XP

- The appeal is made under Regulation 17 of the Town and Country Planning Act (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Newcastle City Council.
 - The application Ref 2025/0570/01/ADV.
 - The advertisement proposal is for the display of an internally illuminated free standing digital display screen.
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Decision

1. The appeal is allowed and express consent is granted for the display of an internally illuminated free standing digital display screen as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) No part of the advertisement to which this consent relates shall contain any prismatic, scrolling or other moving components, images or special effects.
 - 2) The intensity of the illumination of the advertisement to which this consent relates shall be no greater than the levels recommended by the Institute of Lighting Professionals (for an advertisement within Zone E3 Suburban) in the Professional Lighting Guide 05/23 – The brightness of illuminated advertisements including digital displays.

Preliminary Matters

2. The Council altered the description of the proposed advertisement, including clarification that it is illuminated. This description is clearer than that given on the application form. I have therefore used this description in the banner heading and formal decision.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the development plan into account insofar as it is relevant, and the National Planning Policy Framework (the Framework), they have not been decisive considerations in my determination of this appeal.

Main Issue

4. It is agreed between the parties that there is no unacceptable impact on public safety subject to conditions. I have no reason to disagree. The main issue is therefore the effect of the proposed advertisement on the amenity of the area.

Reasons

5. On site, I saw that the appeal site is a small, grassed area at a raised height to the carriageway. There was a tree on the site at the time of my visit.
6. Planning Policy Guidance at paragraph 079 acknowledges that “amenity” is not defined in legislation, but states that it includes the effect on visual amenity in the immediate neighbourhood where passers-by will be aware of the advertisement. The existing character of the immediate area should therefore be assessed to determine the level of impact caused by the proposal.
7. The appeal site is adjacent to Millers Road, a major movement corridor into the city of Newcastle, that leads to the mixed residential and commercial uses along Chillingham Road. The immediate surrounding area is predominantly in commercial and industrial use, and includes industrial units, a car wash and a fast-food restaurant. Approximately 75 metres to the north west of the site there are residential properties at Queen Anne Court. There are various signs and advertisements to be seen when taking the route from the roundabout at the top of the road towards the city. The character of the area immediately surrounding the appeal site is of a busy and colourful commercial area, with some grassed areas, trees and bushes evident along the route.
8. The advertisement proposed would be approximately 3 metres by 6 metres and 2 metres above site ground level. The site is approximately 1.45 metres above the level of the carriageway. The existing tree and an existing advertisement hoarding would be removed to accommodate the proposal.
9. Within the context of the identified commercial character of the immediate surrounding area, the proposal would not appear out of character or incongruous. The loss of the single tree within the appeal site, when viewed in the context of other mature hedges and trees that exist along the route, would not have an unacceptable effect on the overall amenity of the area.
10. My attention has been drawn to other appeal decisions.¹ Although these sites are also within the major movement corridor, the character of the immediate areas in which they were situated differs in context to the area surrounding the appeal site before me. I therefore attribute very little weight to these in my determination.
11. I have considered, so far as relevant, policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015) and policies DM20, DM27 and DM28 of the Newcastle upon Tyne Development and Allocations Plan (2020). These policies, amongst other things, seek to ensure proposals respect and make a positive contribution to their surroundings, and so are material in this case. With respect to the main issue, I find that notwithstanding the loss of one tree, the proposal would not cause harm to the amenity of the area and accordingly the proposal does not conflict with these policies.

¹ APP/M4510/Z/24/3348004 & APP/M4510/Z/24/3338886

Conditions

12. I have imposed a condition to limit movement of the digital image as it is necessary in the interests of highway safety. A condition to restrict the level of illumination is imposed as it is necessary in the interests of amenity. My attention is drawn in the evidence to the site being classified as Environmental Zone 4 (Urban) in the Professional Lighting Guide 05/23 – The brightness of illuminated advertisements including digital displays (PLG). I find it necessary to restrict the level of lighting to that permitted in the PLG Environmental Zone 3- Suburban, as set out in the Council's suggested conditions, due to the proximity of residential properties at Queen Anne Court.

Conclusion

13. For the reasons given above, I conclude that the display of the advertisements would not be detrimental to amenity and the appeal should be allowed.

A Hartley

INSPECTOR