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## Appeal Decision

Site visit made on 15 July 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

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**Appeal Ref: APP/P4225/Z/25/3361040**

**Arien Appliances, John Street, Rochdale OL16 2HP**

- 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 Rochdale Metropolitan Borough Council.
  - The application Ref is 24/01092/ADV.
  - The advertisement proposed is Erection of D-Poster Advertisement.
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### Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement described as: "Erection of D-Poster Advertisement", at Arien Appliances, John Street, Rochdale OL16 2HP, in accordance with the terms of the application, Ref 24/01092/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 2007 Regulations.

### Preliminary Matters

2. The appeal site lies within the Town Head Conservation Area (the CA). Accordingly, I have given special regard to the desirability of preserving or enhancing the character or appearance of the CA, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the 2007 Regulations) and paragraph 141 of the National Planning Policy Framework (the Framework), make clear that advertisements should be subject to control only in the interests of amenity and public safety. I have approached the appeal on this basis.

### Main Issues

4. The main issues are whether the proposed advertisement would be acceptable in terms of:
  - visual amenity, including whether it would preserve or enhance the character or appearance of the CA; and
  - public safety, with specific regard to the safety of pedestrians and users of the highway.

## Reasons

### *Visual amenity*

5. The proposed advertisement would occupy a prominent position adjacent to a downhill-facing lane of traffic. However, it would be viewed within a predominantly commercial and industrial streetscape, characterised by extensive areas of hardstanding and buildings of a utilitarian nature. These surroundings form part of a townscape where commercial activity, illumination, and signage are common features. In this context, although the advertisement would be clearly visible, it would not appear unduly dominant or out of keeping with this edge-of-centre urban environment.
6. The site lies within the CA, which occupies a compact area centred on the junction of John Street and St Mary's Gate. The significance of the CA lies in its concentration of historic red brick and stone buildings, many of which reflect the area's industrial heritage. Whilst many of the CA's buildings contribute positively to the townscape, the presence of later utilitarian development, including the building adjacent to the appeal site, dilutes the overall architectural coherence. The CA's character is therefore mixed, with a strong commercial and industrial identity.
7. Based on my observations and noting that the Council did not identify any harm in relation to the CA, the proposal would have a neutral effect on its significance. The advertisement would therefore preserve the character and appearance of the CA, as required by section 72(1) of the 1990 Act.
8. Although the advertisement would not be discrete, its intended purpose is to be visible. It would be appropriately scaled and positioned within a busy urban environment where such features, where appropriately located, are to be expected. The proposal would not conflict with the surrounding land uses, nor would it result in harm to the visual amenity of the area.
9. Accordingly, I conclude that the proposal would not harm the visual amenity of the area. It would therefore accord with Policy JP-P1 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan, 2022 to 2039, Adopted 21 March 2024 (the JDP), and Policies P3 and DM1 of the Rochdale Adopted Core Strategy, October 2016 (the CS). Collectively, these policies seek to promote sustainable, well-designed places that contribute positively to the built environment, and for development to be high quality and compatible with surrounding uses and amenity. It would also accord with the relevant provisions of the Framework, which have similar aims, and the 2007 Regulations.

### *Public safety*

10. The Council's grounds for refusal on public safety relate to concerns that the proposed digital display would present a distracting feature to road users and pose a risk to highway safety at a critical location near Rochdale Town Centre, citing a poor road safety history and proximity to directional signage and busy junctions.
11. Whilst the Council has raised concerns regarding the potential impact of the advertisement on highway safety, these are expressed in general terms and are not accompanied by detailed, site-specific evidence. Although reference is made to a serious incident involving a child, this is not supported by accident data,

precise location information, or a clear explanation of how the proposed advertisement would materially increase risk. I also have limited substantive evidence to support the Council's view that the advertisement would conflict with the nearby directional sign.

12. The appellant has submitted a Highways Technical Note which notes that the proposed sign would be well separated from the location of the incident cited by the Council. It also suggests that the directional signage would be absorbed by drivers prior to the advertisement coming into view, and that it would be positioned at a sufficient distance from traffic signals to avoid confusion or distraction.
13. Furthermore, although the advertisement would be digitally illuminated, it would feature a static display with no animation or moving images, a minimum 10-second changeover between adverts, and reduced illumination during hours of darkness in accordance with guidance issued by the Institute of Lighting Professionals (ILP). These operational controls would reduce the potential for distraction in the interests of highway and public safety.
14. During my site visit, I observed that traffic in the area was generally slow-moving, with a reasonably straight road alignment and good all-round visibility for both road users and pedestrians. Having considered these factors alongside the available evidence, including highway safety records, the scale, design and siting of the advertisement, and its technical specifications and control features, I am satisfied that the proposal would not result in harm to the safety of road users or pedestrians.
15. For these reasons, I conclude that the proposal would not result in harm to public safety, and would therefore accord with Policy JP-C8 of the JDP, and Policies T2 and DM1 of the CS. In respect of this issue, these policies collectively seek to promote highway safety and to ensure proposals are compatible with surrounding land uses. It would also accord with the relevant provisions of the Framework, which have similar aims, and the 2007 Regulations.

### **Other Matters**

16. In addition to the matters considered under the main issues, the 2007 Regulations require consideration of aural amenity. The Council has not identified any harm in this regard, and based on the evidence before me and my observations during the site visit, I find no reason to reach a different conclusion.

### **Conditions**

17. All advertisements granted express consent are subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations.
18. The Council's questionnaire proposes three additional conditions to be attached to the consent. However, these are not supported by any specific or relevant planning reasons, as required by the Planning Practice Guidance (PPG). In the absence of clear reasoning, I am not persuaded that the suggested conditions would meet the tests of necessity, relevance, and reasonableness set out in the Framework and the PPG.

## **Conclusion**

19. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions set out in my formal decision.

*P Storey*

INSPECTOR