



Appeal Decision

Site visit made on 8 July 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th August 2025

Appeal Ref: APP/M1595/Z/25/3364632

728 London Road, West Thurrock, Thurrock RM20 3LU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Tim Clarke of Marchmont Investment Management against the decision of Thurrock Borough Council.
 - The application Ref is 24/01303/ADV.
 - The development proposed is a 1 x D96 sheet panel, and freestanding structure upon which is displayed the advertisement.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a Transport Proof of Evidence with their appeal, which the local planning authority was given the opportunity to comment on in the interests of natural justice.
3. The appeal was accompanied by a revised Proposed View B. As the image was for illustrative purposes only and did not alter the proposal, no parties have been prejudiced and I have determined the appeal on the basis of the amended image.

Main Issues

4. The main issues in this appeal are the effect of the proposed advertisement on:
 - amenity; and
 - public safety.

Reasons

Amenity

5. The appeal site forms part of a storage yard located on the western side of the A282 trunk road, north of the Dartford Crossing and adjacent to the gantry and slip road for Junction 31 (A1306 and Thurrock Services). This section of the A282 is characterised by significant highway paraphernalia, including lighting columns, barriers and speed limit signs, as well as two gantry signs relating to Junction 31.
6. The surrounding area is characterised by modern industrial and storage buildings along with hoppers and silos. The buildings are mostly at a lower level than the trunk road such that mainly their roofs are visible to drivers. The Thurrock Local

Development Framework (LDF) Adopted Interim Proposals Map identifies the area as a primary industrial and commercial area.

7. The sign would comprise a digital 96 sheet display angled to face drivers approaching the Dartford Crossing on the south side of the carriageway, which would display static images which would change every ten seconds. It would be sited on lower ground next to the trunk road, on a freestanding structure which the appellant's plans show would be 12.7 metres high but which, when seen from the trunk road, would be slightly above eye level for drivers.
8. Despite the number of buildings in close proximity to the trunk road, this section of the A282 has a relatively open aspect on both sides. The Council has previously turned down a proposal for a totem sign slightly to the south of the current proposal¹ on the grounds that the sign would have been a discordant feature in an otherwise relatively open area.
9. Although the appellant refers to digital advertisements being common on the national highways network, I did not observe any freestanding advertisements comparable with the one proposed on this section of the A282. Whilst the nearby buildings are commercial in character, advertisements, where they exist, are low key and generally confined to lettering on buildings.
10. The proposed sign would be located closer to the trunk road than many of the nearby buildings, and separated from it only by a narrow landscape strip. As the appellant's Proposed Views show, it would be seen, in part at least, above the nearby buildings and against the sky. Whilst there are taller hoppers and silos nearby, they are intermittent and do not dominate the skyline. The proposed sign would be an imposing feature which would change the character and appearance of the area for the worse.
11. The appellant has argued that the sign would be in harmony with the scale and mass of the nearest gantry sign on the trunk road, but as that sign is a piece of highway infrastructure which the appellant has described as "a blank large utilitarian dominating grey steel structure", its presence should not set a precedent for additional signage. The proposal advertisement would add to the existing highway paraphernalia found on this stretch of the trunk road, forming a dominant feature in an area not characterised by similar signs or tall buildings.
12. Both parties have referred to an appeal decision at Rosina Café in Purfleet Road, South Ockendon², which related to the proposed upgrading of a 48 sheet advertisement to a digital poster. Although the appeal was dismissed on grounds of public safety, the Inspector found in favour of the appellant in regard to amenity. However, that site was located in a predominantly urban area where roadside advertisement displays were considered to be a familiar feature, and there was an existing advertisement on the site of similar dimensions to that proposed. The circumstances were thus significantly different from those which apply in this appeal, and the decision therefore carries limited weight.
13. The Government's Guidance on Advertisements sets out the considerations affecting amenity at paragraph 079, advising that consideration should always be given to the local characteristics of the neighbourhood. It gives the example of a

¹ LPA reference 10/00405/ADV

² PINS reference APP/M1595/Z/21/3268418

large poster-hoarding which would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city where there are large buildings and main highways and where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site. My conclusions are consistent with this advice since I have determined that the area, whilst industrial in character and on a main highway, is not dominated by large buildings and that as a consequence the proposal would be harmful to the area's visual amenity.

14. In accordance with the Regulations, I have taken into account the provisions of the development plan insofar as they are relevant. Policies PMD2 and CSTP22 of the Core Strategy and Policies for Management of Development (as amended) Adopted January 2015 (CS) provide design guidance and have a bearing on amenity. They require proposals to, amongst other things, respond to the sensitivity of a site and its surroundings and demonstrate high quality design.
15. I conclude that the proposed advertisement would be harmful to amenity by introducing a prominent advertisement in a relatively open area which is not characterised by such advertisements, and would as a consequence harm the character and appearance of the area. It would fail to have regard to the advice contained in paragraph 141 of the National Planning Policy Framework (the Framework), that the quality and character of places can suffer when advertisements are poorly sited.

Public safety

16. The speed limit on this section of the A282 is 50mph. The proposed sign would face drivers approaching the Dartford Crossing in a southbound direction, near to the point where the slip road from Junction 31 joins the trunk road. The Council has raised concerns about the potential for the sign to distract drivers in an area where there are significant lane changes, and requested a risk and safety assessment from the appellant. A risk and safety assessment has been submitted with the appeal.
17. The assessment notes that although accident rates on the southbound approach to the appeal site were 25% above the national average over the previous five years, there have been no serious or fatal accidents. Based on an analysis of traffic flows on the southbound section of the A282 north of the appeal site, the assessment determined that the decision point for drivers in relation to the Junction 31 slip road was well before drivers had any view of the advertisement, and it would not therefore interfere with any lane changing decisions that had to be made. The assessment concluded that the proposed advertisement would be unlikely to attract driver attention away from the existing traffic signs and gantry to the extent that it would pose a safety risk.
18. Having driven south on the A282 past Junction 31 and the appeal site, I agree with the appellant's conclusion that, although the proposed sign would be located near to the point where the slip road from Junction 31 joins the trunk road, the decision point for drivers is well before they would have a view of the proposed sign. Taking this into account, along with the 50mph speed limit, I do not consider that drivers would be unduly distracted by the proposed sign so as to represent a hazard to road users. To assist with road safety, were I minded to allow the appeal, the

brightness of the sign could be controlled by condition to prevent glare in misty or wet conditions.

19. As I noted above, the parties have referred me to an appeal decision for a proposed advertisement at Rosina Café in Purfleet Road, South Ockendon, where the determining issue was public safety. The Inspector concluded that the proposed sign would draw drivers' attention just at a time when they were required to exercise particular care and attention to safely negotiate a busy stretch of highway on a 60mph road, when they might need to brake suddenly for turning vehicles. In the present instance, I am satisfied that the decision point for drivers in relation to the merging slip road from Junction 31 would be well before the advertisement, on a slower stretch of road, and the appeal decision therefore carries limited weight.
20. The Government's Guidance on Advertisements sets out the considerations affecting public safety at paragraphs 067 and 068, noting that all advertisements are intended to attract attention, but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. It lists the main types of advertisement which may cause danger to road users, including signs which would confuse a road-user's view because of their size or siting. Given that I am satisfied that drivers would make their decision in relation to the incoming slip road from Junction 31 well before encountering the sign, my conclusions are consistent with this advice.
21. Whilst the Regulations permit me to take into account the provisions of the development plan insofar as they are relevant, the policies referred to in the decision notice, namely PMD2, PMD9 and CSTP22 of the CS, do not provide guidance on highway safety in relation to proposed advertisements.
22. I conclude that the proposed advertisement would not be harmful to public safety, and would comply with paragraph 116 of the Framework, which advises that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, taking into account all reasonable future scenarios.

Other Matters

23. The appellant has drawn my attention to the fact that the Council requested a risk and safety assessment, yet determined the application without waiting for the assessment to be submitted. The Council has pointed out that no timescale was given for the submission of the assessment, which is why it made its decision without the benefit of the assessment. Since an assessment has been submitted with the appeal, this matter has had no bearing on the outcome of this appeal.

Conclusion

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

J Heppell

INSPECTOR