



Appeal Decision

Site visit made on 27 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/W4515/Z/25/3364371

**Land Opposite Marden Bridge Playing Fields, Hillheads Road, Whitley Bay,
Tyne and Wear NE25 8RW**

- 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 Kwasi Bentil of Venderoo Ltd against the decision of North Tyneside Council.
 - The application Ref is 25/00096/ADV.
 - The advertisement proposed is for the installation of a digital 48-sheet LED poster display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council altered the description of the proposed advertisement. 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. At the site visit I noted that the advertisement applied for was not in place. Within the appeal site there were no advertisements. On an adjacent site within a few metres of the appeal site, there was a 96-sheet poster hoarding. The information within the application form states that the advertisement is already in place and that an existing poster display will be removed. This contradicts the situation I observed on site. I have determined this appeal on the basis that it seeks consent for a digital 48-sheet LED poster display that is not already in situ. Further, that it is not replacing an existing advertisement.
4. The Council's reason for refusal refers to the proposal conflicting with its development plan. However, 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

5. It is agreed between the main 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 proposal on amenity.

Reasons

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 proposed advertisement would be situated close to a busy main road, opposite a school sports centre, adjacent to a supermarket entrance and the metro line. Notwithstanding the commercial nature of uses in the immediate area, I observed on site that its character is predominantly verdant, with green verges, trees and bushes. There is a 96-sheet poster advertisement close to the appeal site. This existing large advertisement is a dominant feature within the vista when travelling from the A193 roundabout towards the sports centre.
8. The introduction of the LED display within the same vista so close to the existing large poster hoarding would cumulatively appear stark and intrusive, cluttering and disrupting the pleasant verdant character of the immediate area. It would therefore cause substantial harm to the visual amenity of the area.
9. My attention has been drawn to other examples where digital and poster hoardings can be viewed together. However, these are within different contexts, do not appear directly comparable and I therefore attach very little weight to these in the determination of this appeal.
10. I have considered, so far as relevant, policy DM6.3 of the North Tyneside Local Plan (2017). This policy, amongst other things, seeks to ensure proposals for advertisements do not have a detrimental impact on visual amenity and so is material in this case. With respect to the main issue, I find that the proposal would cause harm to the visual amenity of the area and accordingly the proposal would conflict with this policy.

Other Matters

11. The private law dispute between an interested party and the appellant is not within the scope of this appeal and I have therefore had no regard to it in reaching my decision.
12. An interested party has raised concerns about the content of the advertisement. This is not within the scope of this appeal.
13. My attention has been drawn to potential economic, social and environmental benefits of the proposal. However, in determining an advertisement consent appeal, I am confined to considering the effect of the proposal on public safety and visual amenity only.

14. An interested party has referred to the potential for distraction to be caused to metro train drivers by the digital advertisement. This is relevant to public safety. Had I found the appeal proposal acceptable in terms of visual amenity, I would have sought further information on this issue before determining the appeal. However, as I find the proposal would be unacceptable in any event, it is not necessary for me to consider it in this appeal.

Conclusion

15. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity, therefore the appeal should be dismissed.

A Hartley

INSPECTOR