



Appeal Decision

Site visit made on 13 August 2025

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/P4605/Z/24/3356630

Land at Dartmouth Middleway, Aston, Birmingham, B6 4BN

- 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 Mr John O'Hara on behalf of Replyshort Ltd against the decision of Birmingham City Council.
 - The application Ref is 2024/04284/PA.
 - The advertisement proposed is an illuminated digital screen.
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Decision

1. The appeal is allowed and express consent is granted for the display of an illuminated digital screen on land at Dartmouth Middleway, Aston, Birmingham, B6 4BN in accordance with the terms of the application, Ref 2024/04284/PA. The consent is for 5 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 additional conditions set out in the attached Schedule.

Preliminary matters

2. The description of the proposed advertisement varies in the application form, Council's decision notice and appeal form respectively. I have used the description used by the Council in its decision notice in the interests of conciseness. The appellant proposes an internally illuminated advertising poster panel of a standard 48 sheet size, measuring 6m X 3m, to display static poster images. This would replace the internally illuminated (backlit) 48 sheet panel of the same size which currently occupies the site.
3. In 2019 the Council granted consent¹ for a similar advertisement to that subject of the current appeal. However, that consent was not implemented and the Council says that circumstances have changed since then, for reasons that are examined later.
4. Reference has been made to the *National Planning Policy Framework*. Its guidance underlines the fact that the powers under the current Regulations to control advertisements may be exercised only in the interests of amenity and public safety. In this context, having regard to the main issue, the development plan policies and design guidance referred to have been treated as material considerations.

¹ Ref 2019/03247/PA

5. The Council has not objected on the grounds of public safety, and I have no reason to disagree with its assessment on this aspect.

Main Issue

6. This is the effect of the proposed advertisement on amenity.

Reasons

7. The advertisement would be sited alongside a busy dual carriageway on the approach to the Dartmouth Circus, an elevated highway roundabout or interchange. The surrounding land uses are distinctly commercial/industrial in nature, and the current display does not look out of place in this environment. The proposed advertisement in terms of its size and height would have no greater visual impact than the extant display, or that granted consent in 2019. Although the manner of the display would change, I do not consider this would have material consequences in amenity terms in the prevailing visual environment.
8. The Council however refers to a recent planning permission² pointing to a prospective regeneration of a substantial tract of neighbouring land, bounded by Dartmouth Middleway, Dartmouth Circus and Aston Road. The advertisement would be sited virtually on the south-eastern boundary of the redevelopment site. The Council is concerned that the proposed advertisement would impinge on the amenity of the redevelopment, in particular, on the public open space to be created alongside the adjacent canal.
9. I note, however, that whilst the redevelopment proposal was comprised within a hybrid planning application, the main building elements of the scheme were subject of an outline permission. In my experience, schemes of this scale and nature take a significant amount of time to come to fruition post outline permission, having regard not only to the outstanding planning matters of detail to be settled, but other statutory consents that may be needed, and funding to be raised. Additionally, there is no certainty, or none that has been made known to me, that the permission would be implemented.
10. In these circumstances, the appeal is most appropriately determined having regard to existing conditions, bearing in mind that any permission granted would be time-limited and is subject to review on its expiry. In this regard the Council point me, in particular, to the provisions of policy DM7 of the Birmingham Development Management Plan DPD, adopted in 2021. This policy is specifically directed to advertisements, and the Council is concerned that the advertisement would conflict with one of its provisions in that it would create a dominant skyline feature.
11. The height of the advertisement would be unaltered from the existing or that approved in 2019. It strikes me that it would be unlikely that the Council would not have considered the height of the sign previously in assessing its effect on amenity. Be that as it may, I do not consider the sign to be excessively high for its context, and would not in my view, create a dominant skyline feature, as alleged by the Council. I also note that the regeneration scheme already referred to would comprise several high buildings, which would inevitably break the skyline.

² Ref 2021/03125/PA

12. I therefore conclude that the advertisement's effect on local amenity would not have an unacceptable or harmful effect on amenity, and accordingly, the appeal shall succeed.

Other matters

13. The Council does not suggest any conditions other than the five standard conditions. However, I note that the Highway Authority suggests others in the interests of highway safety, and the appellant has no objection to the previously imposed conditions being repeated. These shall be imposed for the same reasons, albeit in a modified form. An additional condition is imposed to avoid a malfunction becoming a distraction to passing motorists.
14. All other matters raised in the representations have been considered but none outweighs the considerations that led me to my conclusions, and the appeal is therefore allowed.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Illuminance levels shall be no greater than 600 candela per square metre during daylight hours and no greater than 300 candela per square metre between dusk and dawn.
- 2) The advertisement shall be fitted with a dimmer control mechanism and a photocell to monitor ambient light conditions and to adjust brightness.
- 3) The advertiseent shall not display any moving, or apparently moving, images (including animation, flashing, scrolling, three dimensional, intermittent or video elements).
- 4) The minimum length of time for each display shall be 8 seconds and the time interval between successive displays shall be no greater than 0.1 seconds.
- 5) In the event of a malfunction the display screen shall be immediately switched off.