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## Appeal Decision

Site visit made on 20 August 2025

**by S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

**Decision date: 21 August 2025**

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**Appeal Ref: APP/W4223/Z/25/3369113**

**273 Middleton Road, Oldham OL9 6JU**

- 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 Ibrar Razaq against the decision of Oldham Metropolitan Borough Council.
  - The application reference is ADV/354130/25.
  - The advertisement proposed the change of use from a static advertising billboard to an LED digital advertising billboard.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The local planning authority (LPA) has drawn my attention to the policies it considers to be relevant to this appeal. I have taken them into account as a material consideration. However, powers under the regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan only insofar as they are material and any other relevant factors. Insofar as it is relevant, I have also had regard to the latest version of the National Planning Policy Framework 2025 (the Framework).

### Main Issue

3. The main issue is the effect of the digital display upon public safety.

### Reasons

4. The proposal is to replace a former existing static paper based board (now removed) with a digital advertising display board in a landscape orientation with dimensions of approximately 5760mm by 2880mm, to be located on the gable of the dwelling of No 273, Middleton Road, and with about 2.2 metres from the ground to its base. The previous advertisement board was somewhat larger both in height and width.
5. The luminance level of the display would be controlled by light sensors to adapt to the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at no more than 300cd/m<sup>2</sup> above ambience level, and no more than 300 cd/m<sup>2</sup> during dark hours. All advertisements displayed would not have a duration of less than 10 seconds and the interval between advertisements would be no greater than 1 second.

6. The immediate area is a mix of commercial properties with some dwellings and there are advertisements relating to the individual commercial properties. By their sizes, their generally static displays and low or absence of illumination, they tend to be relatively unobtrusive within their settings.
7. On my site visit, I was able to discern the position of the former paper based advertisement board on the same gable end. However, this was a static advertisement, whereas the proposed development would have digitally changing images and therefore a different visual impact. In any event, the paper based advertisement is no longer there. For these reasons, I can afford the previous advertisement only limited weight in the decision making process, and in any event, I have determined the application upon its own merits.
8. On my site visit, I was able to note that Middleton Road at this point is relatively straight, has footpaths to either side, is lit and there is a 30mph speed limit. Moreover, the proposed digital display would only be visible to drivers and pedestrians travelling on one direction only along the road.
9. However, Middleton Road is both busy and has various side junctions, including a traffic controlled junction close to the appeal site, and with pedestrian crossing points. Driver and pedestrian concentration are especially necessary in view of both the volume and frequency of the traffic and its turning movements. The digital display in particular would form a backdrop to one of the traffic signals and, with its moving, coloured images, would be an additional and substantial distraction to drivers and pedestrians, substantially and adversely affecting public safety.
10. The appellant has referred to other digital displays which have been approved by various authorities, though I have no details of the public safety circumstances which relate to their locations and therefore, I cannot afford them any meaningful weight in the decision making process. In any event, I have determined the appeal based upon its individual merits.
11. For the reasons above, I conclude that the proposed display would not accord with Policy 9 of the Oldham Local Development Framework Development Plan 2011 which requires that development does not harm the safety of road users, or with Paragraph 117(c) of the National Planning Policy Framework 2025 which aims to provide places which are safe and secure and which minimise conflicts between pedestrians, cyclists and vehicles.

## **Conclusion**

12. For the reasons given above, the appeal is dismissed.

*S. Hartley*

INSPECTOR