



Appeal Decision

Site visit made on 26 August 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/P4605/Z/25/3369612
75 Tyburn Road, Birmingham B24 8NP

- 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 Darren Alderson for Elonex against the decision of Birmingham City Council.
 - The application Ref is 2025/00441/PA.
 - The advertisement proposed is the replacement of an existing digital poster advertising panel with a new portrait style unit 6 metres by 3 metres.
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Decision

1. The appeal is dismissed.

Main Issue

2. Advertisements are subject to control in the interests of amenity and public safety only. The main issue for this appeal is the effect on public safety.

Reasons

3. This section of Tyburn Road is part of the A38, with 2 lanes of northwest bound traffic running at ground level with an elevated section of the A38(M) to one side and a footway and series of commercial premises to the other. An existing landscape format sign in front of one of these premises is proposed to be replaced by a much taller, portrait format LED sign.
4. This site is on an approach to Spaghetti Junction. Drivers here are called on to make a set of choices about their route, including an on-ramp to the A38(M) and a roundabout that gives access to the M6 and other roads. The speed limit is 40 mph so vehicles may often be manoeuvring at speed. The key information for drivers at this point is set out on 2 gantry signs and a freestanding sign, which all sit well forward of the proposed advertisement. The appeal sign would, however, be clearly visible behind the gantry. Its increased height would make it rise above the adjacent buildings, into the same eye line as the gantry signs, so that it would be much more prominent. It could easily distract drivers at a crucial point, potentially leading to a need for last minute manoeuvring to get into the correct lane to take the intended route through this complex part of the road network.
5. I conclude that the proposal would prejudice public safety by distracting drivers' attention at a key moment. In making this decision, I have had regard to policy PG3 of the Birmingham Plan 2031 and to the National Planning Policy Framework, which both emphasise the importance of safety. Powers under the advertisement

regulations may only be exercised in the interests of amenity and public safety, however, taking account of material factors such as adopted policies which are not by themselves decisive factors.

6. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR