
Appeal Decision

Site visit made on 4 September 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal Ref: APP/P4605/Z/24/3336656

E and S W Knowles, Perrywell Road, Birmingham B6 7AT

- 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 Martin Wright of MSKS Properties Ltd against the decision of Birmingham City Council.
 - The application Ref is 2023/06360/PA.
 - The advertisement proposed is the installation of an LED, two directional V advertisement sign set adjacent to the M6 motorway, Birmingham.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the application form, removing words which do not relate to an act of development.

Main Issue

3. The main issue is the effect of the proposal on public safety for users of the M6 motorway.

Reasons

4. The appeal site comprises an open hard surfaced area enclosed by palisade fencing in a primarily industrial area. The appeal site is at a lower level than the adjacent M6 and the elevated motorway along with its concrete supporting structures are a prominent feature in the context of the appeal site.
5. The proposal is for two internally illuminated signs arranged in a 'V' shape, comprising illuminated digital display panels which would each be 9 metres long and 3 metres high. These would be raised on steel support posts in order to be visible to users of the adjacent M6 motorway, travelling both north and south bound. The signs would display an image which would change every 20 seconds.
6. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) state that factors relevant to the assessment of public safety include (amongst other things) the safety of persons using any highway.¹ Planning Practice Guidance (PPG) provides guidance on the assessment of the possible effect on public safety. It states that proposed adverts at points where drivers need

¹ Regulation 3(2)(b)

to take more care are more likely to affect public safety. It details the main types of advertisement which may cause danger to road users including internally illuminated signs where the means of illumination is directly visible from any part of the road, which, because of their size or brightness could distract road users particularly in misty or wet weather or which are subject to frequent changes of the display.

7. The appeal site is adjacent to a section of the M6 which operates as a smart motorway. Gantry mounted signage alerts road users as to whether the hard shoulder is to be used for traffic, and what the speed limit is at that time. In addition, directional signage is located on these gantries.
8. The proposed signage would be located between two such gantries. The gantry to the south east of the location of the proposed signage contains several traffic information signs including digital signs advising of the speed limit and the status of the hard shoulder, a half-mile warning for junction 6 and notice of an emergency layby. It also contains signage which advises that the left lane (and potentially the hard shoulder) are for the A38/A38(M) junction (junction 6) with the right two lanes for the M6, on approach to the 'spaghetti junction' interchange.
9. National Highways refer to the area adjacent to the proposed signage as a 'decision-making zone' and state that this is an area of the Strategic Road Network carrying some of the highest traffic flows in the country. Consequently, this is a complex section of motorway, typically with high traffic flows where motorists need to pay attention to the road signs in order to know which lane to use and what the speed limit is. Cars are very likely to be changing lanes on approach to and exit from the junction and therefore drivers' full concentration is necessary to ensure that this activity can occur in a safe manner.
10. The proposed signage as a result of its size, illumination and its proximity to the motorway would be particularly eye catching. The sign would divert the attention of motorists away from the road and as such would result in a distraction at a location where drivers full attention is required to safely navigate this section of the M6.
11. The consequences of this are that motorists may not notice other vehicles moving lanes, may miss the cues to change lane, and may not have full awareness of the speed limit or the status of the hard shoulder. As a result, the risk of collisions would be significantly increased resulting in a significant negative impact on highway safety.
12. Although road signage is clear, well-spaced and layered before and after the location of the proposed signage, for the reasons outlined above, high levels of concentration are still required. The proposed signage would be visible only a few seconds before reaching the nearest gantries, thereby diverting drivers' attention at a time when they need to be responding to the information in the road signs. Although many motorists make use of satellite navigation and on-board technology to provide them with directions, attention is still required in respect of road conditions ahead, which are very changeable in this location.
13. I recognise that other sources of distraction already exist both within and outside of vehicles. Be that as it may, the proposed signage would represent a significant additional source of distraction which in combination with others, and on its own, would result in an adverse impact on highway safety.

14. Reference has been made to examples of other signage, including those which are located alongside the motorway, and I have had regard to these in coming to my decision. I have no evidence as to whether these signs have been granted consent or the views of Highways England in respect of these signs.
15. None of the signs I saw or those referred to by the appellant are in such close proximity to the carriageway and as near to as complex an interchange as spaghetti junction as the appeal proposal would be. As such these examples are not directly comparable and do not justify allowing the appeal. It is asserted that there is no evidence that accidents are more common near these signs, however this does not lead me to conclude that the proposal would not result in an adverse impact on public safety, given the differences between them and the appeal proposal.
16. I have carefully considered the conditions suggested by the appellant, however these would not mitigate the harm I have identified.
17. Overall, I conclude that the proposal would have a harmful effect on public safety for users of the M6 motorway.
18. The Regulations, the National Planning Policy Framework and PPG all make it clear that advertisements should be subject to control only in the interests of amenity and public safety. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to the consideration of public safety.
19. I have taken account of Policies PG3 and TP44 of the Birmingham Development Plan (adopted January 2017) and Policy DM7 of the Development Management in Birmingham Development Plan Document (adopted December 2021) (DPD). Together these seek to ensure that developments create safe environments and promote the safe use of the existing transport network and that advertisements should have no detrimental impact on public safety. Policy DM7 states that the siting of advertisement hoardings will be resisted where visible from the M6 motorway and purposefully designed to be read from the roadway and where the attention of drivers is likely to be distracted.

Other Matters

20. The Council has raised no concerns in relation to the effect of the appeal proposal on amenity and based on the evidence before me, I have come to the same conclusion.

Conclusion

21. The proposal conflicts with the development plan and the Regulations. The material considerations do not indicate that the appeal should be determined other than in accordance with the development plan. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR