
Appeal Decision

Site visit made on 31 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/W4223/Z/25/3373111

Land at Middleton Road, Mills Hill Bridge, Oldham M24 2EH

- 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 Network Rail against the decision of Oldham Metropolitan Borough Council.
 - The application reference is ADV/354609/25.
 - The advertisement proposed is for a digital advertisement screen...
-

Decision

1. The appeal is allowed, and express consent is granted for a digital advertisement screen on land at Middleton Road, Mills Hill Bridge, Oldham M24 2EH, in accordance with application reference ADV/354609/25, and subject to the conditions included in the attached schedule.

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 (as subsequently amended) (the Framework).
3. The appeal is made in part retrospectively, with the digital sign now installed, though it would seem that the sign has not yet been made operational.
4. The appellant, in the application forms, states that the proposal is for a digital display where its illumination level would be 3,000cd/m². However, the appellant, in the appeal submission, proposes 300cd/m² for sunset to sunrise, and 3,000cd/m² from sunrise to sunset. This represents a lesser timescale for the maximum illumination level for which application was originally made, and I do not consider injustice would be caused by its consideration. Therefore, I have determined the appeal upon this basis.

Main Issue

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

Reasons

6. The proposed static digital display is described as being 3 metres high by 6.15 metres wide and with a depth of 0.814 metres. It would stand 2 metres from the ground and the illumination level would be no greater than 3,000cd/m² during daytime hours and 300cd/m² during night time hours.
7. My attention has been drawn to an earlier appeal, allowed on 24 April 2023, on the site for a similar digital display, but where the illumination levels were the subject to a condition which limited it to no greater than 600cd/m² during daylight hours and 300cd/m² during the hours of darkness¹.
8. The LPA raises no objection to the principle of the proposed digital display and for which consent has previously been granted. The issue in dispute relates to the level of luminosity. The proposed 300cd/m² illumination level during night time hours is the same as approved upon the earlier appeal, and I have no reason to disagree with this current, proposed level during night time hours.
9. The appeal relates to the proposed level of illumination for daylight hours. The earlier appeal proposal was for a daytime luminosity level for the digital display of 600cd/m², and after considering the effects of the digital display upon public safety, the Inspector granted the appeal upon the level of luminosity requested.
10. The appellant now considers that the limit of 600cd/m² imposed by the condition to be overly restrictive in that the screen's image would not be suitably clear in certain daylight conditions. Reference is made to the Institution of Lighting Professionals (ILP) guidance document 'PLG05/23 - The Brightness of Illuminated Advertisements (2014) (PLG05)', which advises that '*a daytime limit of 600cd/m², while adequate for twilight, dawn, dusk and very overcast conditions when ambient light levels are low, does not allow for higher ambient conditions as found on bright days with cloud cover, bright sunny days or in direct sunlight conditions. As a daytime limit it is therefore unnecessary and unreasonable, thereby at odds with the six tests for planning conditions as set out in the National Planning Policy Framework. The recommended daylight operation performance should be broadly in line with Table 10.5 of this guide*'.
11. Table 10 of PLG05 recommends maximum daytime permitted values of sign luminance of up to 2,500cd/m² for a bright day with cloud cover, and up to 3,500cd/m² for a bright sunny day. These figures compare to the appellant's appeal proposal for a day time luminance level of 3,000cd/m².
12. Nevertheless, there is a need to ensure that advertisements will not prejudice public safety, including the risk of collisions caused by driver distraction. In this regard I do not disagree with the previous Inspector who concluded as follows.
13. '*For highway users heading westwards along Middleton Road, the proposed hoarding would be positioned slightly to the right of the centre of their field of vision with a traffic light controlled junction in the foreground. As this junction is close to Mill Hill Station where pedestrians may seek to cross the road, this is a location where drivers need to take more care than normal.*

¹ APP/W4223/H/3306089

With the approximate 100m separation distance between the position of the proposed sign and the junction, the proposed sign would appear sufficiently small for it to form an illuminated background against which the junction's three separate signal heads controlling oncoming traffic from the east could be distinguished. Planning Practice Guidance² though advises that, amongst other characteristics, adverts that are illuminated and have moving images may distract and cause danger to road users. In my judgement, given that the proposed sign would be visible at a point where drivers need to take more care, without restrictions the sign's display could be sufficiently distracting to place public safety at risk'.

14. The Inspector, in allowing the appeal, imposed various conditions relating to matters such as the frequency at which advertisements can change, so as to prevent or limit such distractions to an acceptable level in terms of public safety.
15. After considering the advice of the ILP with regard to luminosity levels and their reasonableness, I consider that, with the other conditions imposed by the Inspector upon the earlier appeal decision included, a daylight luminosity level of up to 3,000cd/m² for daytime hours would be sufficient to protect public safety.
16. Therefore, for the above reasons, I conclude that the proposal would accord with policy 9 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Documents 2011 which aims, amongst other things, to ensure that new development does not harm the safety of road users. In addition, while paragraph 116 of the Framework states that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety*', I conclude that that there would be no such unacceptable impact. Moreover, it would not conflict with paragraph 117(c) of the Framework which aims to provide places which are safe and secure and which minimise conflicts between pedestrians, cyclists and vehicles.

Conditions

17. The LPA considers that, in the event that the appeal is allowed, the same conditions (other than that referring to luminosity levels) should be imposed as were included with the earlier appeal approval. The appellant is solely concerned with the daylight luminosity level imposed on the earlier appeal decision and raises no objections to the other conditions.
18. Therefore, I consider it is appropriate and necessary, and without any injustice arising to either party, to impose such conditions again in order to protect public safety.

Conclusion

19. For the above reasons, the appeal should be allowed.

S Hartley

INSPECTOR

Schedule of conditions

1. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.
2. The intensity of the illumination of the sign permitted by this consent shall be no greater than 3,000cd/m² during daylight hours and 300cd/m² during the hours of darkness.
3. There shall be no scrolling effects (including noise, animation, flashing, intermittent illumination, scrolling or video elements) of any kind during the time that any advertisement is displayed.
4. Each advertisement shall be displayed for a minimum of 10 seconds.
5. When a display succeeds a previous display, the complete screen shall change and between successive displays there shall be no visual effects, such as swiping, or other animated transition methods.