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## Appeal Decision

Site visit made on 24 November 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 December 2025

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**Appeal Ref: APP/Y3425/Z/25/3373632**

**Top of the World Nightclub, 139 Newport Road, Stafford, Staffordshire ST16 2EZ**

- 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 of Replyshort Ltd against the decision of Stafford Borough Council.
  - The application Ref is 24/39699/ADV.
  - The advertisement proposed is digital panel on night club wall.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. In accordance with the Regulations and Planning Practice Guidance (PPG), I have considered matters of public safety and amenity only, taking account of any material factors. Whilst I have had regard to the policies and guidance that the Council consider to be relevant, these have not been decisive in my determination of this appeal.

### Main Issues

3. The main issues are the effect of the proposal on a) public safety; and b) amenity with specific regard to the Stafford Conservation Area (the CA) and nearby listed buildings.

### Reasons

#### *Public Safety*

4. The appeal site is located on the A518 (Newport Road), which carries a high volume of traffic. The appeal site is currently a nightclub and the surrounding area is generally commercial. Close to the appeal site is a signal-controlled pedestrian crossing which is near to a junction.
5. Paragraph 116 of the National Planning Policy Framework (the Framework) highlights that, amongst other things, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
6. Additionally, PPG outlines that advertisements which are large and have frequent changes of the display are factors which may cause danger to road users. The digital panel would face oncoming traffic on Newport Road and would have an illuminance level of approximately 300cd/m<sup>2</sup>.

7. In my judgement the digital panel would be relatively large in scale when considered in the context of the surrounding street scape and would be sited in a prominent location. It would display static images for approximately ten second slots. Thus, the appeal scheme would draw the eye, at a point when drivers are approaching a signalled controlled pedestrian crossing. Consequently, to my mind, the results of distraction would be more acute.
8. Whilst the appellant refers to the movement of vehicles on this part of the Newport Road to be relatively slow, it remains a significant road with notable levels of traffic. Consequently, to my mind, the introduction of the appeal scheme and resultant distraction would be harmful to public safety.
9. I do not know the full circumstances of the advertisement on the east facing wall of the appeal building and thus cannot be certain that it is wholly comparable to the appeal scheme before me. Moreover, each scheme is assessed on its own merits. Nevertheless, the existing advertisement is located further from the pedestrian crossing albeit close to the junction of Friars Road. However, the existence of another advertisement in a challenging location does not justify granting consent for the proposal subject of this appeal.
10. Although there might be examples of digital screens which form the backdrop to major traffic light junctions as well as complex pedestrian areas with multiple traffic lights and crossings, each case is determined on its own merits. Consequently, they would not justify development in the form of inappropriate advertisements.
11. Considering all the above, the appeal scheme would have an unacceptable effect on public safety. The Council has referred to Policy T2 of The Plan for Stafford Borough 2011-2031 (PSB). However, in my judgement this is not material to this matter given it pertains to parking and manoeuvring facilities.

### *Amenity*

12. The surrounding area is mainly commercial in character with examples of small commercial advertisements on the fascia of properties with small hanging signage. A number of these are neither illuminated nor incorporate sequential movement of images.
13. The appeal site is adjacent to the CA which encompasses the town centre, with two early medieval churches, public houses, shops and civic buildings as well as Victoria Park, through which runs the River Sow. Its significance derives, in part, from its urban market town character and cohesive qualities with two or three storey terraced buildings dating to approximately the 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> centuries.
14. Several grade II listed buildings are nearby, notably the Chetwynd Centre formerly King Edwards VI School, the War Memorial at the Chetwynd Centre and the Gateways at the Chetwynd Centre (the listed buildings) which are located on the opposite side of Newport Road. The Chetwynd centre was once a grammar school dating from around 1860. The listed buildings include, amongst other things, red brick and red sandstone structures, banded plain tile roofs with crested ridge tiles and clustered ridge stacks with octagonal flues, a central gateway opposite the entrance to the assembly hall with two square piers with moulded caps and cornices as well as a pair of arch-top wrought iron gates. Notably, the War

Memorial is topped with a stepped obelisk with the school crest and sword on its front face.

15. Paragraph 141 of the Framework outlines that the quality and character of places can suffer when advertisements are poorly sited and designed.
16. The signage in the locality is, in my planning judgement, generally restrained with limited illumination. Given the prominent location proposed for the appeal scheme, the illumination, sequential images as well as its scale would, when considered in combination, draw attention to the digital panel and accentuate its significance particularly during the night-time.
17. Annex 2 of the Framework defines the setting of a heritage asset as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.*' Therefore, the physical proximity of the appeal site to the CA, does not determine whether the proposal would affect its overall setting.
18. Given all of the above, the appeal scheme would, in my planning judgement, be unacceptably harmful to the setting of the CA and the listed buildings insofar as they are material to the matter of amenity.
19. I acknowledge the existence of the advertisement on the east facing wall of the appeal building, however it remains that I do not have the full circumstances of the advertisement. Accordingly, I cannot be certain that it is wholly comparable to the appeal scheme before me. Notwithstanding this, there might be examples of advertisements that one may deem inappropriate or impinging on the setting of heritage assets. Even if this is the case, they are pre-existing and, if they are unacceptable, this would not justify further unacceptable development in the form of inappropriate advertisements
20. I note the appellant refers to the possibility of discussions regarding the size of the appeal scheme. However, it is not for the appeal procedure to advance proposals. This is best achieved through the submission of revised applications.
21. In conclusion, the appeal scheme would be unacceptably harmful to the amenity of the area and notably the setting of the CA and the listed buildings. Consequently, insofar as it is material to the main issue, the appeal scheme would conflict with the objectives of Policies N1 and N9 of the PSB which seek to ensure that developments do not have an adverse impact upon the amenity of the surrounding area and that advertisements sustain or enhance heritage assets including their setting.

## **Conclusion**

22. The proposal would be harmful to public safety and amenity for the reasons I have set out and thus would be unacceptable under the aforementioned regulations. Therefore, for the reasons given above the appeal should be dismissed.

*B Astley-Serougi*

INSPECTOR