



Appeal Decision

Site visit made on 18 November 2025

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2025

Appeal Ref: APP/K0750/H/25/3369540

Hill Street Shopping Centre, Wilson Street, Middlesbrough, TS1 1SU

- 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 Warren Milroy of Vivid Outdoor Media Solutions (B) Limited against the decision of Middlesbrough Development Corporation.
 - The application Ref is 25/0033/ADV.
 - The advertisement proposed is the installation of 1 x 48 sheet gable mounted LED illuminated advertising display unit, measuring 6.4m in width x 3.4m in height and comprising a pressed metal frame and sealed LED screen.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) confirms that advertisements should be subject to control only in the interests of amenity and public safety. Therefore, while the development plan policy referred to on the decision notice is not determinative, I have taken it into account where relevant.

Main Issue

3. The main parties agree that the proposal would not have a harmful effect on amenity. From the evidence, together with my site visit observations, I have no clear reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on public safety, with regard to the safe operation of the highway.

Reasons

4. The appeal site is adjacent to Wilson Street, a busy thoroughfare with a speed limit of 30 miles per hour (mph) comprising two traffic lanes in either direction and a bus lane on the northbound carriage way. Nearby to the appeal site is a signalised junction where several roads connect, which includes buses exiting the bus station and vehicles taking a relatively sharp left turn from Newport Road to access the Northern School of Art car park and a supermarket service yard.
5. Advertisements like the proposal are not unusual within commercial locations such as the appeal site, and the Planning Practice Guidance (PPG)¹ states that all advertisements are intended to attract attention. Nonetheless, the PPG also notes

¹ Paragraph 067 Reference ID: 18b-067-20140306

that advertisements at points where drivers need to take more care are more likely to affect public safety.

6. The approach to the appeal site from Newport Road from the south-west is generally straight and so the junction and traffic signals are visible at some distance when travelling along this road. Furthermore, given the proposal's location mounted on the wall of the shopping centre it would not obscure any traffic signals or signs.
7. Owing to the generally open nature of the highway environment on approach from the south-west the proposed advertisement would be noticeable from relatively far away. However, once the advertisement came into readable view this would be at a section in the road where drivers would need to be concentrating on which lane was required. At the same time, there could be vehicles braking as they take the sharp left turn for the college car park and delivery vehicles could be turning left to access the service yard. The area surrounding the appeal site is therefore a location sensitive to distraction or confusion. Additionally, the proposal would be in an area where there is an absence of large, illuminated advertisements and as such has the potential to distract all users of the highway.
8. On approach from Newport Road, due to its height the proposed advertisement would be above drivers' immediate field of focus. Therefore, to view its content, drivers would have to turn their field of vision away from the highway, thereby diverting their attention from the road ahead. Consequently, the illuminated advertisement would draw the eye of road users near a signalised junction where concentration is required.
9. This concern is compounded by the congested nature of the road which is said to result in queuing traffic. Despite the presence of a cross hatched box, this could mean that buses turning right out of the bus station could be stranded in the middle of the junction waiting for traffic to move. Despite the speed limit being 30 mph, existing traffic control measures, and relatively good forward visibility the changing display of the proposed advertisement would cause a distraction in a location where it would be detrimental to highway safety for vehicles.
10. It is indicated that the area has a high footfall of pedestrians seeking to cross the road in the vicinity of the appeal site. While there is a controlled pedestrian crossing after the junction on Wilson Street it is not uncommon for pedestrians to cross injudiciously on Newport Road which would require drivers to concentrate and, in some cases, to stop suddenly. In these circumstances, given my findings above that the proposed illuminated advertisement would add to the distraction for drivers at the junction, there would also be an increased risk to pedestrian safety.
11. Overall, the proposal would unacceptably impact on highway safety and would not create a safe place which minimises the scope for conflicts between pedestrians, and vehicles, contrary to the provisions of the National Planning Policy Framework. The level of luminance would be controlled as well as the timing of static image sequencing. Nevertheless, such controls would not adequately address the harmful distraction that would be caused to all road users, and the PPG² suggests that one of the main types of advertisements which may cause danger to road users are those that are illuminated and those subject to frequent changes of the display.

² Paragraph: 068 Reference ID: 18b-068-20140306

12. While there have been limited accidents recorded in the appeal site locality, this is in its existing form and does not indicate that the situation would remain the same were the advertisement to be operational. There may well be no academic evidence to indicate an increase in crashes because of roadside advertisements, and even if there has been no increase in accident levels in the vicinity of advertisements once installed in other parts of the country, there is no substantive evidence that the site-specific highway network contexts of the examples given are sufficiently similar to the appeal site. This matter does not therefore lead me away from my above findings.
13. The appellant has drawn my attention to examples of a seemingly comparable advertisements that have been permitted elsewhere in Middlesbrough and appeals that another Inspector has allowed in Oldham³. However, these examples do not appear to be on a main route through a town centre and so are not directly comparable. In any event, the fact that apparently similar development has been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits as is required of me.
14. To conclude, the proposed advertisement would have a detrimental effect upon public safety, with regard to the safe operation of the highway. While only a material consideration, the proposal would be in conflict with Policy DC1 of the Middlesbrough Local Development Framework Core Strategy (2008) which includes a requirement for development to have no impact on highway safety.

Conclusion

15. For the reasons given above I conclude that the display of the advertisement would be detrimental to public safety. Therefore, the appeal should be dismissed.

F Harrison

INSPECTOR

³ Appeal refs: APP/W4223/Z/24/3352076 and APP/W4223/Z/24/3336325