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## Appeal Decision

Site visit made on 17 December 2025

**by T Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 23 December 2025**

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**Appeal Ref: APP/H4505/Z/25/3375457**

**Abbotsford Road, Felling Bypass, Gateshead NE10 0NE Easting (x) 428338**

**Northing (y) 562137**

- 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 Wildstone Estates Limited against the decision of Gateshead Metropolitan Borough Council.
  - The application Ref is DC/25/00616/ADV.
  - The advertisements proposed are 2no. digital format D-Poster advertisements.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the advertisements on public safety.

### Reasons

3. The advertisements would be placed on the southern side of the A184 Felling Bypass, to the west of the Heworth/A185/B1426 Interchange Junction. The area is urban in nature with street lighting, business premises and housing.
4. The advertisements would be placed on slight angles facing towards the road. The proposals appear to follow on from an application and subsequent appeal dismissal<sup>1</sup> in 2018 for an internally illuminated digital hoarding display.
5. The advertisements would be located close to an existing KFC premises on the same side of the road and adjacent to a slip road which serves vehicles leaving KFC in joining the Felling Bypass in a westbound direction.
6. I do not have any concerns with regard to the accident data in the immediate vicinity of the site which shows few accidents set against a substantial two way average annual daily flow of 34,000 vehicles.
7. Further, I do not have concerns with regard to the safety of persons using the highway on the eastbound lanes of the bypass. On my site visit, although only a snapshot in time, I noted the chevrons on the road and the fact that traffic does bunch up and slow on the approach to the Interchange.

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<sup>1</sup> APP/H4505/Z/18/3196560.

8. However, braking to take account of slowing traffic ahead is a reasonably simple manoeuvre for a driver to undertake. There would therefore be no significant adverse impact on public safety in this regard.
9. Immediately upon leaving the KFC car park drivers must exit through a crossing point for the combined footpath and cycleway. Given the display angles and set back from the road the advertisements are likely to have very limited visibility for drivers on the initial exit from the KFC car park at the point of the crossing. I am not therefore concerned about this particular matter.
10. However, regardless of the orientation of the advertisements, they would be at a position where they would quickly, albeit briefly become strident and noticeable features by reason of their size and illuminated nature in westbound drivers peripheral fields of vision both from the slip road and the main carriageway.
11. Given that the appeal site is to the west of and downhill from the Interchange, traffic already on the Felling Bypass will often be likely to be moving quickly as drivers leave the KFC car park to engage with the slip road.
12. It is likely that at times when traffic levels are lower; for example, at quieter times of the day or when vehicles on the Felling Bypass have been held at traffic lights at the Interchange junction; drivers may immediately join the main carriageway from the slip road. At busier times, drivers may have to use varying lengths of the slip road to gain speed to match the speed of vehicles already on the Bypass travelling westbound and join the main carriageway.
13. There is therefore likely to be a degree of variability in the nature of the traffic on the Felling Bypass which would lead to variability in the point at which drivers join the carriageway from the slip road. Personal preferences and individual driving habits will inevitably also feed into that variability.
14. Whilst digital advertisements have become more common and less novel over recent years, I consider that this is a point on the Highway Network where drivers will need to have their full attention on the road and be free from distraction.
15. Given their size and illuminated nature, the digital advertisements would form an unnecessary distraction at this particular point on the Felling Bypass having regard to the particular characteristics of this location.
16. Although I note that the advertisements proposed could not be classified under the main types of advertisements which may cause danger to road users under paragraph 68 of the Planning Practice Guidance<sup>2</sup>, the guidance at paragraph 67<sup>3</sup> advises that proposed advertisements at points where drivers need to take more care are more likely to affect public safety. An example is provided amongst other scenarios where local conditions present traffic hazards.
17. I therefore conclude on the main issue that the digital advertisements would compromise the safety of persons using the highway and would thereby have a significant adverse impact on public safety.

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<sup>2</sup> Advertisements – GOV.UK – Guidance Paragraph: 068 Reference ID: 18b-068-20140306.

<sup>3</sup> Advertisements – GOV.UK – Guidance Paragraph: 067 Reference ID: 18b-067-20140306.

## **Other Matters**

18. I accept that it is entirely possible to locate digital advertisements such as those before me within locations that are busy with traffic without having any impact on public safety as indicated by the examples from around the country within the LED Advertisement Case Studies that have been put forward. However, nothing indicates that the circumstances in those cases are the same as those before me and I therefore afford these matters limited weight.
19. I also accept that proposals for schemes of advertising including illuminated signs have been approved within the area. However, the examples drawn to my attention differ from the proposal before me in that they generally relate to signage advertising the business located at that particular site. Such advertisements are visually commonplace within urban areas and would be unlikely to draw attention in the manner two large digital advertisements advertising many and varied products would. I therefore afford these matters limited weight.
20. I note and accept that there are some social, environmental and economic benefits associated with digital advertising. I also accept that the advertisements could be subject to conditions which could amongst other things control levels of luminance and the speed and rate of change between displayed adverts. These matters do not however alter my conclusions.
21. A previous appeal decision has been referenced by both parties. However, neither the full details of that scheme nor the full appeal decision have been put before me and I consequently afford that matter limited weight.

## **Conclusion**

22. For the reasons given above the appeal should be dismissed.

*T Burnham*

INSPECTOR