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## Appeal Decision

Site visit made on 13 January 2026

**by R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

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**Appeal Ref: APP/D1780/Z/25/3376054**

**263-271 Shirley Road, Southampton SO15 3HS**

- 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 Southampton City Council.
  - The application Ref is 25/01098/ADV.
  - The advertisement proposed is installation of one modern digital format D-Poster.
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### Decision

1. The appeal is dismissed.

### Background and Main Issues

2. The description of development in the banner heading above is taken from the application form, as this forms the basis on which consent was sought.
3. The Regulations set out that decisions shall be made only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach, which involves a lighter touch regime than the system for obtaining planning permission for development. I have determined this appeal accordingly. Therefore, the main issues are:
  - the effect of the proposal on amenity; and
  - the effect on public safety.

### Reasons

#### *Amenity*

4. "Amenity" is not defined exhaustively in the Regulations. The PPG sets out<sup>1</sup> that it can mean the effect on visual amenity in the immediate neighbourhood of an advertisement, where residents or passers-by will be aware of the advertisement. This forms the basis for my assessment of this main issue.
5. The proposal would display sequential static digital advertisements, capable of effective instantaneous display change every 10 seconds, and which would be illuminated in accordance with Institute of Lighting Professionals guidelines. Its location is within a built-up area, and forms part of land within a car wash facility,

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<sup>1</sup> Paragraph: 079 Reference ID: 18b-079-20140306

accessed off Shirley Road (A3057) at a predominantly commercial section of this thoroughfare. The site is immediately alongside a car sales forecourt that is adjacent to the junction of Shirley Road and Malmesbury Road.

6. Closeboard fencing runs along the car sales forecourt boundary. A tall and narrow externally illuminated totem sign for the car wash facility projects above the fenceline. Much of the signage attached to the car wash building is also visible. The site has advertisement consent for illuminated fascia signage and a free-standing gantry sign, as given by the Council in 2001. There are also lower and slimmer signs attached to pillars surrounding and relating to the car sales premises, and various nearby commercial premises along Shirley Road with associated signage.
7. The proposal would therefore be viewed in the context of this signage, and other advertisements, when travelling in both directions along Shirley Road. The display would be of the same size as an industry standard 48-sheet hoarding, positioned 2m above the ground and fully above the fenceline.
8. The blank side of the proposed freestanding structure would face Malmesbury Road. I accept that the proposal site is not subject to any statutory designations, including a Conservation Area, and does not contain any designated or locally listed heritage assets, nor is it located within the setting of any such heritage assets. I am also told that the appeal site is allocated for housing under the location plan and when a site allocation proposal is brought forward, the appeal proposal would be removed, should the land owner instruct the appellant to do so.
9. However, the blank side would be of conspicuous form and of significant width and would be clearly visible from Shirley Road and Malmesbury Road. This would result in a prominent and alien addition to the streetscape, accentuated by its location and freestanding form that would disrupt views of buildings beyond.
10. Development plan policies concerning amenity comprise Saved Policies SDP1 and SDP24 of the City of Southampton Local Plan Review (LPR) (adopted 2015), and Saved Policy CS13 of the Council's Local Development Framework Core Strategy Development Plan Document (Amended Version incorporating the Core Strategy Partial Review March 2015). They are thus material to this case.
11. For the above reasons, the blank side of the proposal would harm amenity in visual terms. It would not respond positively or integrate with its local surroundings in terms of context and design. This element of the proposal therefore conflicts with the relevant development plan policies as listed above.
12. On the other side of the proposed structure, the advertisement display would be seen immediately alongside the existing narrower car wash totem sign. The proposal would have a considerable prominence. However, it would be of the same maximum height as the existing totem, and its slim profile adjacent the boundary within the appeal site would avoid clutter. Conditions could control the levels of illuminance to an acceptable limit relative to the ambient light of the area.
13. There are nearby residences above commercial premises. The proposal would however be at significant distance away from residential windows. This, along with the proposed reduced illumination at hours of darkness, would avoid a harmful impact on living conditions of surrounding residents.

### *Public safety*

14. The PPG sets out<sup>2</sup> that all advertisements are intended to attract attention and that public safety is less likely to be a problem in a commercial location and if the proposal is a normal poster panel. It also states however that proposed advertisements at points where drivers need to take more care are more likely to affect public safety, including at junctions, pedestrian crossings or other places where local conditions present traffic hazards. The PPG sets out further<sup>3</sup> that the main types of advertisement which may cause danger to road users include frequent changes of the display.
15. The proposed display would be situated close to priority road junctions, vehicular accesses and a zebra crossing marked for both pedestrians and cyclists to cross Shirley Road. Footways along both sides of the road are also indicated for pedestrian and cyclist use.
16. My site visit was on a weekday at mid-afternoon, when students were exiting the nearby school. Although my visit was a snapshot in time, I observed a busy, active and varied urban environment, including use of the zebra crossing by a cyclist traversing the shared footway, as well as by pedestrians. This demands extra care and attention to be taken by drivers along Shirley Road, despite the signed 20mph speed limit.
17. At the time of my visit, shrubbery within the front of the church southeast of the proposal was not in leaf. This allowed for northwest views across a long and straight section of Shirley Road from the Nightingale Road junction to the proposal. The display would not appear abruptly to drivers and would be visible significantly before the minimum stopping sight distance required for a 20mph vehicle speed.
18. Based on the Transport for London (TfL) Guidance for Digital Roadside Advertising and Proposed Best Practice (March 2013), as referred to in the Highways Technical Note dated November 2025, display changes are proposed to be limited to every ten seconds. This means that most passing drivers would not see more than one or two different displays.
19. However, the slight elevation of the display, and its changing content and offset positioning relative to the zebra crossing, could nonetheless divert the driver's gaze away from the immediate forward horizon encompassing the zebra crossing and adjacent carriageway and footways. This would likely cause drivers to be distracted from dynamic highway conditions. This therefore presents a risk to the users of the pedestrian crossing and other vehicles using the immediate road network.
20. I have also taken account that the display would not involve any moving images, and that conditions could also control the levels of illuminance to reflect ambient surroundings. It is also put to me that the displays will be simple, clear, and easy to disseminate, and that drivers are almost always continually assimilating sensory inputs from multiple sources. However, even momentary distractions at low speeds can present significant highway safety risks, particularly to vulnerable users. The above measures would therefore not be sufficient to avoid harm to public safety.
21. I do not view the lack of officially recorded vehicle accidents at this specific display location in recent years as a reliable indicator of highway safety. Only crashes

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<sup>2</sup> Paragraph: 067 Reference ID: 18b-067-20140306

<sup>3</sup> Paragraph: 068 Reference ID: 18b-068-20140306

which involve personal injuries are recorded by the police and in any event, this does not indicate that highway safety conditions would remain the same following implementation of the proposal.

22. I therefore conclude that the proposal would harm public safety in terms of highway safety, contrary to the provisions of the Framework and the PPG, which seek to control advertisements in the interests of public safety. I have considered Saved Policies SDP1 and SDP24 of the LPR which collectively, seek to avoid unacceptable effects on the safety of the city and its citizens, including the safety of people using the highway. Given that I have concluded that the proposal would harm public safety in terms of the highway, it would conflict with these policies.

### **Other Matters**

23. Northwest of the proposal, there are two non-illuminated advertising boards within a vacant plot. These are however sited more parallel to Shirley Road than the proposal, and between buildings immediately to each side. Other nearby business premises and street advertisements include illumination. However, they appear to display fully static images and are not of the same surface size and positioning relative to Shirley Road as the proposed display. These examples in the locality therefore do not justify allowing the appeal.
24. The appellant has obtained over 700 consents for digital advertisements across the UK. More specifically, my attention is drawn to sites granted consent in Stoke-on Trent and Oldham for digital advertisement displays of the same size as the appeal proposal. The Highways Technical Note also includes case studies of other digital advertisement consent schemes implemented within or near highway networks in Portsmouth, Bristol, Manchester and Glasgow. However, based on the information put before me, the site characteristics of these examples are not directly comparable to the appeal proposal.
25. Reference is made to benefits that arise from digital displays in respect of improved management, monitoring and maintenance of the advertisement network. My attention is also drawn to a nationwide project to upgrade traditional advertising hoardings to a modern digital format, along with a consequent reduction in overall number of adverts, associated waste involved in the poster production process, and vehicular trips and resultant environmental impacts. However, there is no such existing advertisement on the specific appeal site, and no specific locations of poster displays to be replaced by the proposal are before me.
26. The appellant also advances various economic and social benefits. However, there is no indication in the Regulations, the Framework or the PPG that such factors can be taken into account either for or against an advertisement consent proposal.

### **Conclusion**

27. For the reasons given above, the appeal is dismissed.

*R Cahalane*

INSPECTOR