
Appeal Decision

Site visit made on 23 February 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2023

Appeal Ref: APP/J0540/H/22/3299201

Land adjacent to 30 London Road, Peterborough, PE2 8AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of advertisement consent subject to conditions.
 - The appeal is made by Mr Richard Page, Wildstone against the decision of Peterborough City Council.
 - The application Ref 22/00314/ADV, dated 21 September 2020, was approved on 25 April 2022 and advertisement consent was granted subject to conditions.
 - The development permitted is the installation of a freestanding internally illuminated 6 metre D-Poster display to replace existing signage.
 - The condition in dispute is No C 7 which states that: The advertisements hereby granted consent shall be removed within 5 years of the date of this consent.
 - The reason given for the condition is: In accordance with the provisions of Article 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and in order to preserve the visual amenity of the surrounding area, in accordance with Policy LP16 of the Peterborough Local Plan (2019).
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Decision

1. The appeal is allowed and condition C 7 is deleted from advertisement consent Ref 22/00314/ADV dated 25 April 2022 and replaced by the following condition:

C 7 The express consent hereby granted expires on 25 April 2027.

Main Issue

2. The main issue is whether the condition is necessary in the interests of amenity and/or public safety.

Reasons

3. Advertisement consent was granted on 25 April 2022 for a freestanding digital 48 sheet size display adjacent to London Road subject to the removal of three existing non-illuminated hoardings in the same location. This decision followed an appeal decision which agreed the principle of the proposal¹.
4. The condition in dispute, C 7, requires the removal of the advertisement after five years. This obviously allows for the possibility of an application to renew advertisement consent at the time removal becomes due.
5. The officer delegated report relating to the application does not explain why the condition was imposed and the reason given for the condition is not clear. The

¹ Consent 22/00314/ADV following appeal APP/J0540/Z/21/3272663

Council's statement of case however explains that the condition is to allow the merits of the advertisement to be reviewed after its display for five years, essentially on the basis that there are currently few digital advertisements in Peterborough and so their visual impact and effect on driver behaviour locally is not yet known. A period of five years would allow this to be assessed in the case of this particular advertisement.

6. However, the condition as worded is not essential to allow the Council to seek removal of the advertisement after five years should it turn out to have an unacceptable impact on visual amenity or highway safety. Although not stated in the decision notice, the advertisement has express consent for a period of five years under Regulation 14 (7) (b) and so expires on 25 April 2027. After that date, without the condition as worded, the deemed consent for continued display under Class 14 of Part 1 Schedule 3 of the Regulations could be ended by serving a discontinuance notice under Regulation 8 should the display be judged in the event to cause a substantial injury to the amenity of the locality or a danger to members of the public.
7. The nub of this case is therefore whether a further application should be required after five years to facilitate a review of the merits of the digital display or whether the safeguard provided by the discontinuance notice procedure would be sufficient. The Council do not argue that the latter process would be ineffective in this case for any reason and in the circumstances I see no justification for the onus to be on the appellant to make an application.
8. In reaching this conclusion I have not needed to reconsider the merits of the digital display as express consent has been granted.
9. The Council draw attention to three advertisement consents allowed on appeal. However, these do not include a similar condition to C 7, instead they include a statement of the standard express consent period of five years².

Conclusion

10. For these reasons the existing condition C 7 is not necessary in the interests of amenity and/or public safety and should be replaced by a new condition stating the date of expiry of the express consent.

David Reed

INSPECTOR

² APP/F4410/Z/20/3265847, APP/P4415/Z/20/3252133 & APP/W4705/Z/20/3248742