



Appeal Decision

Site visit made on 18 December 2024

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/N4720/H/24/3352888

Selby Road, Garforth LS25 1LP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a condition imposed when granting express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Leeds City Council.
 - The application Ref 24/03814/ADV was approved on 28 August 2024 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is: Erection of free standing illuminated advertisement display.
 - The condition in dispute is No 1 which states that: *This consent shall be restricted to a period of five years from the date of the Consent, upon expiry of which, the hoarding shall be removed and the land or building upon which it is displayed shall be reinstated to its former condition.*
 - The reasons given for the condition is: *In accordance with Regulation 14 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 and in the interests of public safety and local visual amenity.*
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Decision

1. The appeal is allowed and the express consent Ref 24/03814/ADV for Erection of free standing illuminated advertisement display at Selby Road, Garforth LS25 1LP granted on 28 August 2024 by Leeds City Council is varied by deleting condition 1.

Background and Main Issue

2. Consent to display a freestanding illuminated advertisement at the entrance to a petrol filling station was granted by the Local Planning Authority (LPA) subject to a condition that upon the expiry of five years, the advertisement is removed and the land or building upon which it is displayed is restored to its former condition.
3. Accordingly, the main issue is whether the condition is necessary or reasonable, having regard to the requirements of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Reasons

4. The Planning Practice Guidance (PPG) details that all advertisements, whether they require express consent or not, are subject to standard conditions. If the LPA decides to impose additional conditions, these must be supported by specific and relevant planning reasons¹. It also states that conditions should never be imposed because the local planning authority wishes, as a matter of general policy, to prevent the operation of Class 14 in Schedule 3 (advertisements displayed after expiry of express consent) in their area.

¹ Paragraph: 014 Reference ID: 18b-014-20140306.

5. In granting express consent, the LPA was satisfied that the advertisement would be acceptable in the interests of amenity and public safety, as set out in its Delegation Report. The LPA has not provided any justification for requiring the removal of the advertisement after the expiry of the five year period and has acknowledged that this was an error on its decision notice. Having regard to the nature of the proposed advertisement, there is no evidence before me that the proposal would have any greater effect on visual amenity or public safety following the expiry of five years.
6. The LPA has provided wording for an alternative condition that does not seek the removal of the advertisement after the expiry of the five year period. However, Regulation 14(7) states that an express consent shall be subject to the condition that it expires at the end of: *(a) such period as the local planning authority may specify in granting the consent; or (b) where no period is so specified, a period of 5 years.* As the LPA is satisfied that the advertisement is acceptable for the standard five year period, it is not necessary to impose a condition which is already imposed by Regulation 14(7).
7. I therefore find that neither the existing condition nor its proposed variation is necessary or reasonable having regard to the requirements of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Conclusion

8. For the reasons given above, I conclude that the appeal is allowed and express consent varied to remove condition No 1.

Paul Martinson

INSPECTOR