



Appeal Decision

Site visit made on 10 February 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th March 2025

Appeal Ref: APP/N1160/Z/24/3350667

Sutton Road, Plymouth, PL4 0HE

- 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 Plymouth City Council.
 - The application Ref is 24/00580/ADV.
 - The advertisement is the erection of new freestanding digital advertisement.
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Decision

1. The appeal is allowed and express consent is granted for the new freestanding digital advertisement. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions;
 - 1) During the daytime period (between local sunrise and sunset) the brightness of the screen shall be no more than 4800 cd/sqm. During the night-time period (between local sunset and sunrise) the brightness shall be no more than 150 cd/sqm and during the hours of 23:00 – 05:00 the screen shall be turned off. At all times the display shall operate within that recommended by the Institution of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement guide).
 - 2) The screen shall only be operated as follows: images to be shown with no greater frequency than 10 seconds between each advert; no visual effects to be used during the time that any message is displayed - visual effects are deemed to include animated, flashing, scrolling, intermittent or video elements; the transitional time interval between successive displays shall be no greater than 0.1 second with no fading, swiping or other animated transition methods between successive displays; content to be limited to two dimensional display only and will not emit any noise, sound, smoke, smell or odours; the display will not include features or equipment which would allow interactive messages or advertisements to be displayed; the display shall be equipped with a dimmer control and a photo cell which shall constantly monitor ambient light conditions and adjust sign brightness accordingly; and the display shall include a mechanism to default to a black screen in the event of malfunction, or if the advertisement is not in use.

Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the National Planning Policy Framework (the Framework) and the national

Planning Practice Guidance (PPG) confirm that advertisements should be subject to control only in the interests of amenity and public safety.

3. The Council raise no concerns in relation to public safety and based on the evidence before me and my site visit, I see no reason to take a different view.
4. The main issue is, therefore, the effect of the advertisement on the visual amenity of the area.

Reasons

5. The proposed advertisement hoarding would be an illuminated, rectangular, freestanding LED panel measuring 6m in width and 3m in height. Located within the car park of a car repairs garage within a largely commercial and light industrial part of the city, the hoarding would be at an elevated height of 2.5m above ground level and would face oncoming traffic from the south along Sutton Road. A variety of non-digital advertisements of different shapes and sizes are evident in the area, advertising the various businesses, including prominent illuminated signage associated with a Premier Inn hotel on the opposite side of the road.
6. Positioned next to a wire fence and stone wall, in front of a substantial neighbouring industrial building, the advertisement would not jut out into the street nor protrude above the building's roofline. Rather, the advertisement would be visible against the building's wider walled façade and roof and as such would not look dominant or out of scale. It is proposed that the frequency of the images displayed would last at least ten seconds and advert sensors would adjust the image brightness to reflect ambient lighting conditions, therefore the display would not look dissimilar to the other advertisements already in the area. Consequently, based on the evidence put forward and my observations at my site visit, I find the advertisement would not harm the visual amenity of the area.
7. I have taken into account policies DEV1 and DEV20 of the Plymouth and South West Devon Joint Local Plan 2016 which seek to protect amenity and require good design and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.

Other Matters

8. The Council makes the point that the sign would not be linked to the business premises and would display any content desired. However, the advertisement's content in this sense, is not relevant with regards to amenity or public safety.

Conditions

9. Beyond the five standard conditions that are required, I have considered the conditions put forward by the parties. With regards to the transition time between successive images the appellant's suggested condition is 1 second, but I consider it is more appropriate to have the shorter time of 0.1 second, as suggested by the LPA. Similarly with regards to the 5000 cd/sqm daytime brightness level suggested by the appellant, I consider that the lower level of 4800 cd/sqm, as suggested by the LPA to be appropriate. The appellant has suggested a brightness of no more than 150 cd/sqm between local sunrise and sunset and a nighttime display curfew between 23:00-05:00. In the interest of amenity, including that of the hotel's guests opposite, I agree. I have also added wording to ensure the display shuts off in the

event of malfunction and non-use. This is necessary to prevent possible distraction to users of the highway and in the interest of amenity.

Conclusion

10. For the reasons given above the appeal should be allowed.

SE Hughes

INSPECTOR