



Appeal Decision

Site visit made on 31 March 2025

by R Catchpole BSc (hons) PhD MCIEEM IHBC

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/U2750/H/24/3357179

Petrol Filling Station, A64 Leeds York Road, Bilbrough, Yorkshire YO23 3PP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against conditions imposed when granting express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of North Yorkshire Council.
 - The application (Ref: ZG2024/0917/ADV) was approved on 21 October 2024 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is described as “erection of illuminated small format advertising display”.
 - The condition in dispute is No 1 which states that: “The consent hereby granted is for five years only and shall be removed on or before the expiry of five years from the date of this permission”.
 - No reason was given for this condition in the decision notice.
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Decision

1. The appeal is allowed and express consent is granted for the erection of an illuminated small format advertising display at the Petrol Filling Station, A64 Leeds York Road, Bilbrough, YO23 3PP in accordance with the terms of the application, Reference ZG2024/0917/ADV, dated 23 August 2024 without compliance with condition number 1 previously imposed on a planning permission, dated 21 October 2024, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the following substituted condition:
 - 1) The consent is for five years from the date of this decision.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. This differs from the description in the decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application for the purposes of this appeal.

Main Issue

3. The main issue is whether the condition is necessary and reasonable with regard to amenity and public safety.

Reasons

4. The appeal site comprises of a petrol filling station that forms part of the Bilbrough Top Services. There are several existing illuminated and non-illuminated signs in use at the site. The proposed sign would be 2.4 m in height, 1.23 m in width and 0.22 m in depth. It would utilise a digital display with a black galvanised steel frame and be located on a small grass verge adjacent to an existing electric vehicle charging station. This is on one side of the main entrance to the petrol filling station forecourt.
5. The Officer Report finds that there would be no impact on highway safety and that it would not lead to any unacceptable, cumulative visual impact and I concur. I observed that there are a range of permanent and temporary signs associated with the petrol filling station but that the proposal would not lead to an unacceptable accumulation given its limited scale and positioning. I also observed that it would not impede views of the forecourt as vehicles enter this area or be of a size that is likely to distract drivers. As such, it would not pose a road safety hazard or have a detrimental effect on amenity.
6. Turning to the disputed condition, the Planning Practice Guidance states that consent usually lasts for 5 years and that unless the local planning authority has imposed a condition that it must be removed after the consent expires, it may normally continue to be displayed without submitting any further application¹. This is because it will have the benefit of deemed consent under Class 14 of Schedule 3 of the Regulations but can be removed if discontinuance action is taken by the local planning authority.
7. Whether or not a condition to remove the display is necessary or reasonable turns on whether the advertisement would be likely to be unacceptable at the end of the specified period. As such, there needs to be convincing reasons why circumstances would change to make it unacceptable in terms of either road safety or amenity. The Council does not make any such case in this regard and simply maintains that the condition is reasonable and necessary given Regulation 14 (7) of the Regulations. However, the legislation only sets a specified period and is otherwise silent with regard to subsequent removal.
8. There is no evidence before me concerning likely changes to the context of this advertisement that would make it unacceptable on either road safety or amenity grounds after five years have lapsed. Even if this were the case, the Council has the option of issuing a discontinuance notice to control any harm that might arise. Given the above, find that the removal of the advertisement is both unreasonable and unnecessary.

Conditions

9. The additional, non-standard condition relating to plans is necessary for the avoidance of doubt and in the interests of proper planning. The Council has suggested a number of other conditions. I have not imposed these as they duplicate the standard conditions that are set out in Schedule 2 of the Regulations and are consequently unnecessary. I have not imposed a condition requiring the advertisement to be removed after the consented period for the reasons set out above.

¹ Paragraph: 036 Reference ID: 18b-036-20140306

Conclusion

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

R Catchpole

INSPECTOR