



Appeal Decision

Site visit made on 27 May 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2025

Appeal Ref: APP/P2365/H/24/3358110

Petrol Filling Station adjacent to Crow Orchard Road, Mossy Lea Road, Wroughtington WN6 9RB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against conditions imposed when granting express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of West Lancashire Borough Council.
 - The application Ref 2024/0835/ADV was approved on 15 November 2024 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is described as erection of a D6 small format advertisement display.
 - The condition in dispute is No. 1 which states that: *"The advertisement(s) hereby granted consent shall not be retained on site after the expiry of 5 years from the date of this decision"*.
 - The reasons given for the condition is: *"To ensure the advertisement is removed in the interests of the character and amenity of the area, in accordance with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007"*.
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Decision

1. The appeal is allowed and the express consent Ref 2024/0835/ADV for the erection of a D6 small format advertisement display at Petrol Filling Station adjacent to Crow Orchard Road, Mossy Lea Road, Wroughtington, WN6 9RB granted on 15 November 2024 by West Lancashire Borough Council is varied by deleting condition 1 and substituting it with the following condition:
 - 1) The period of express consent shall expire five years from the date of this decision.

Preliminary Matters

2. The address in the above banner heading and my formal decision is taken from the original application form.

Background and Main Issue

3. Consent to display a D6 format advertisement display was granted by the Council subject to conditions. The Council specified, under Condition 1, that the advertisement shall not be retained on site after the expiry of 5 years from the date of the decision. The reason given for the condition is to ensure that the advertisement is removed in the interests of the character and appearance of the area, in accordance with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations).
4. The appellant seeks to vary the express consent by removing the requirement to remove the advertisement at the end of the five-year period, as stipulated within

Condition 1, and replace it with a condition stating that the express consent expires five years from the date of the decision. The appellant considers that the existing condition imposed on the express consent is not reasonable and necessary in the interests of amenity and public safety, and that the reason for the condition is incorrect.

5. Accordingly, the main issue is whether the condition is reasonable and necessary, having regard to the requirements of the Regulations.

Reasons

6. Advertisements granted consent are subject to the standard conditions set out in Schedule 2 of the Regulations. In addition, Regulation 14(7) of the Regulations requires that an express consent shall be subject to the condition that it expires at the end of such a period that the local planning authority may specify in granting consent, or a period of 5 years. Advertisements displayed after the expiry of express consent have deemed consent under Class 14 of Schedule 3 to the Regulations.
7. The Planning Policy Guidance (PPG) explains that express consent usually lasts for 5 years and that unless the local planning authority has imposed a condition that an advert with express consent must be removed after the consent expires, it may normally continue to be displayed without submitting any further application¹.
8. The PPG also states that all advertisements are subject to the standard conditions and where any additional conditions are imposed by a local planning authority, these must be supported by specific and relevant planning reasons². This paragraph of the PPG goes on to state 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 of the Regulations.
9. As such, whether or not a condition to remove an advertisement is reasonable and necessary, such as the condition imposed by the Council, turns on whether the advertisement would be likely to be unacceptable at the end of the specified period. Furthermore, in accordance with the guidance in the PPG the reason for such a condition needs to be justified with specific and relevant planning reasons as to why the situation on site would potentially change to make the advertisement unacceptable in relation to amenity or public safety, at the end of this period.
10. Whilst I note that the Council's submission states that the site, its context and the advertisement may very well be in a different condition and context at the end of the 5-year period, no specific justification or explanation to substantiate this claim has been put forward. As such, there is no substantive evidence before me to demonstrate the likely changes in the context of this advertisement that would make it unacceptable on either amenity or public safety grounds after the 5-year period has expired.
11. Additionally, even if there was to be a change in the context of the site and/or the advertisement at the end of this period, the Council would have the option of issuing a discontinuance notice to control any harm that might arise from the advertisement.

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

² Paragraph: 034 Reference ID: 18b-034-20140306

12. In view of the above, I conclude that the requirement of Condition 1 for the advertisement to be removed from the site at the expiration of five years from the date of the consent to be both unreasonable and unnecessary, having regard to the requirements of the Regulations.

Other Matters

13. I note that the Council states that there is no discernible difference between the implications of the condition included on the approved express consent and the varied condition suggested by the appellant. However, the condition imposed by the Council removes the appellant's right to retain the advertisement under Class 14 of Schedule 3 to the Regulations, whereas the suggested varied condition would preserve that right. Consequently, there is a clear difference between these conditions.

Conclusion

14. For the reasons given, the appeal is allowed and the original express consent is varied by removing the disputed condition and replacing it with an amended condition.

R Major

INSPECTOR