



Appeal Decision

Site visit made on 29 May 2025

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/X1118/Z/25/3364776

Pilton Bridge Garage, Pilton Causeway, Barnstaple, Devon, EX32 7AA

- 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 North Devon District Council.
- The application Ref is 79637.
- The advertisement proposed is siting of 1 No. single-sided D6 (digital advertisement) display.

Decision

1. The appeal is allowed, and express consent is granted for siting of 1 No. single-sided D6 (digital advertisement) display at Pilton Bridge Garage, Pilton Causeway, Barnstaple, Devon, EX32 7AA in accordance with the terms of the application ref: 79637. 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:-
 - 6) The advertisement shall display static images only with no moving images, no transition effects and a minimum of 10 seconds between advertisements;
 - 7) The advertisement shall not show any display when the premises to which it relates (the appeal site) is closed to members of the public.

Main Issues

2. The main issues are the impact of the proposal upon i) the Conservation Area, nearby Listed Buildings and overall amenity of the area and ii) highway safety.

Reasons

Conservation Area, nearby Listed Buildings and overall amenity of the area

3. The appeal site is a petrol filling station which comprises of a petrol filling forecourt with a canopy over and an associated shop. The appeal site is located adjacent to the junctions of St George's Road, Pilton Causeway and Pilton Quay. The site is adjacent to The Barnstaple – Pilton Conservation Area (CA) as well as the Grade II Listed Pilton Bridge and Causeway which the Council state to include the gates and piers of Pilton Park situated directly to the west of the appeal site as well as the Grade II listed dwellings, hotel and veterinary surgery to the northwest. Given the proximity to the CA, and adjacent listed buildings, there is a requirement in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving and enhancing the setting of the designated heritage assets in question (S66 and S72 respectively).

4. The proposal would be located in an area which, from my site visit, I found to be adjacent to a busy traffic-light controlled junction with a high volume of traffic passing the appeal site as well as utilising the petrol forecourt itself. The site context for the proposal is, therefore, one which is subject to a notable amount of general activity and movement as a result of passing traffic, pedestrians and general activity in the area. The petrol forecourt area itself is not insignificant in size and whilst I acknowledge the site's setting; I do not find that the proposal would be a prominent feature nor that it would be incongruous in terms of the settings of the nearby designated heritage assets noted above. The proposal would have a neutral impact upon the designated heritage assets in question.
5. Whilst I note that the proposal would result in an advertisement in the region of 2.4 metres in height, I find that its location, on a busy A road with the setting as outlined, to be an appropriate and perhaps expected location for such advertisements. The site already contains a mix of advertisements and whilst I acknowledge that these are non-illuminated freestanding signs, the proposal would replace one non-illuminated free-standing sign. There would be some visual contrast as a result of internal illumination, but I find that the wider site is characterised by both commercial and residential uses, in an urban location, which is where advertising of this nature would typically be found in order to gain appropriate exposure to potential customers. The proposal would replace an existing free-standing advertisement and would not, realistically, result in a material change in what is referred to, by the Council, as clutter within the site or general street scene.
6. Overall in the context of the wider setting, the features of the existing petrol station (associated shop, large canopy, petrol pumps themselves and existing advertisements including an illuminated totem) I find the proposal would not result in a dominant feature but would instead be appropriately located within the context of the petrol forecourt itself which would, as a functional requirement, require illumination at all times as part of its ongoing and day to day use during opening hours.
7. Use of the proposed advertisement, outside of the opening hours of the appeal site (now or in the future within the lifetime of any consent granted as these could change), could be appropriately controlled by condition. Therefore, in the context of a well-developed, well illuminated, commercial operation located in a busy urban area as outlined above I do not find that the proposal could reasonably be refused in terms of impacts upon the CA, nearby listed buildings and overall amenity of the area.
8. The proposal would be consistent with North Devon and Torridge Local Plan 2018 (LP) Policy DM07 which requires that consideration should be given for avoiding any harm as a result of proposals affecting heritage assets. Proposals which conserve and enhance heritage assets, and their settings will be supported. The proposal would also be consistent with LP Policy DM22 which seeks to avoid excessive signage and that illumination is only supported where the premises are open during the evening, which, with a petrol forecourt, would be the same with a requirement to maintain appropriate levels of illumination as outlined by the appellant. The proposal would also be consistent with LP Policy ST15 which seeks to conserve the historic environment as well as historic features of national and local importance and their setting.

Highway Safety

9. The second issue raised by the council is the likely distraction the proposed digital advertisement would have to drivers at a busy traffic signalled controlled junction on an A road. Whilst I note that the highway authority, as a consultee, has raised potential concern regarding distraction that the proposed sign would have to drivers travelling through a complex traffic controlled area directly adjacent to the site I note that the consultee response (included within the Council's delegated report) commences the response with confirmation that, ultimately, they consider it hard to determine if there would be a distraction and what that may cause (before going on to set out their reasoning). Whilst I accept that there could be some potential for distraction, I do not find that it would be any worse than distraction from someone looking at existing signage within the appeal site or many of the other distractions which would occur in such a location with regard to pedestrians, car movements, traffic light signal changes and such like.
10. The appellant has submitted a Highway Technical Note (HTN) which further assesses the highway safety implications of operating a static digital advertising display at the appeal site in the context of the highway comments made during the application period. Taking into account the information provided within the HTN I am satisfied that the proposal would not have an unacceptable or severe impact on highway safety in this location. I find that the HTN has clearly considered and addressed the observations made by the highway consultees and provided robust reasoning for the conclusion that the proposal would be acceptable in that regard.
11. In particular I note that comment was made with regard to the risk that drivers could see, for example, a green part of an advertisement resulting in them moving when they should have stopped or vice versa with a red light, however, as outlined within the appellant's supporting reports the traffic lights are installed on backing boards. Overall, from my site visit (where I drove though the traffic lights along Pilton Causeway, twice, from both directions) I found that the risk of introducing a distraction to drivers and the high volume of vehicles using the junction is unlikely to cause distraction sufficient to warrant refusal compared to any other activity, advertisements or movement within the immediate locality of the proposed signage.
12. I note that the consultee comment does make reference to conditions in relation to prevention of any moving pictures, videos etc within the advertisement itself which may reduce the level of potential distraction to an acceptable level. The proposal seeks to display advertisements which are displayed for a minimum of 10 seconds with no moving images and no transition effects, and this can be controlled via condition attached to any consent granted. The proposal would not, therefore, hold the attention of drivers in a way that a video display would in the context of the site as I have identified above. The use of such a condition would be consistent with the consultee comments, in reducing the level of potential distraction, to allow the proposal to be considered at an acceptable level with regard to highway safety.
13. Subject to conditions as outlined I find that the proposal would be consistent with LP Policy DM05 which requires all development to ensure safe and well-designed vehicular access which considers the needs and accessibility of all highway users including cyclists and pedestrians. The proposal would also be consistent with paragraph 116 of the National Planning Policy Framework 2024 insofar as development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative

impacts on the road network, following mitigation, would be severe taking into account all reasonable future scenarios.

Other Matters

14. I note that there are objections to the proposal. One objection is noted on the basis that the site is the subject of antisocial behaviour due to the fact that it is always open which results customers visiting site after pub closures, however, whilst I acknowledge this, I have no reason or evidence before me to suggest that the erection of the internally illuminated advertisement in question would contribute or exacerbate this issue further. I also note an objection from Barnstable Town Council in relation to clutter on the forecourt as well as distraction which would be detrimental to road safety. I have dealt with both of these matters in the context of the main issues in the main body of this decision letter above.

Conditions

15. The council's questionnaire confirms that they consider two additional conditions to be required in addition to the five standard conditions set out in schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 in the event that express consent as applied for is granted. The appellant reminded to note the content of the standard conditions as appropriate.
16. A condition restricting use of the display to static images only with no moving images, no transition effects and a minimum of 10 seconds between advertisements is required to ensure that the advertisement is operated in such a manner in order to ensure the advertisement is appropriate in terms of highway safety consistent with the consultee responses, discussed above, and upon which the permission is granted.
17. A condition controlling use of the advertisement display to the opening hours of the petrol forecourt (now and taking into account any changes which could occur within the lifetime of this consent) is required in the interests of amenity and to ensure the visual implications of the signage are appropriately located within the petrol forecourt against background activity and lighting for the reasons outlined above.

Conclusion

18. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR