



Appeal Decision

Site visit made on 23 May 2025

by **Simon J Cater MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/E3335/Z/25/3362892
Mantle Street, Wellington TA21 8SN

- 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 Estate Limited against the decision of Somerset Council.
 - The application Ref is 43/24/0119/A.
 - The advertisement proposed is the display of 1 No. internally illuminated freestanding D6 small format advertising sign
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Decision

1. The appeal is allowed and express consent is granted for the display of 1 No. internally illuminated freestanding D6 small format advertising sign at Mantle Street, Wellington TA21 8SN in accordance with the terms of the application, Ref 43/24/0119/A, dated 6 December 2024. 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) No individual advertisements displayed on the panel shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signs.
 - 2) The interval between successive displays shall be instantaneous (0.1 seconds or less) with no flashing and a smooth instant change into the next static poster image and the complete screen shall change, there shall be no visual effects including swiping or other animated transition methods between successive displays.
 - 3) During night-time hours, twilight and low light conditions the illumination level shall be no greater than 300 candelas per square metre. At all other times the illumination level shall not exceed 600 candelas per square metre. The display shall be equipped with a dimmer control mechanism and a photocell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
 - 4) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages/advertisements being displayed.

Procedural Matters

2. For clarity, I have adopted the description of development as set out in the Council's decision notice and the appellant's appeal documents, as it provides a more accurate and precise account than that given on the original application form.
3. The Council has drawn my attention to the policies it considers to be relevant to this appeal, and I have taken them into account as a material consideration where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach.
4. Neither the Highway Authority, nor the Council, has raised an objection to the proposal in public safety terms, and I have no reason to disagree with this view.

Main Issue

5. The main issue is the effect of the advertisement on the amenity of the appeal site and surrounding area.

Reasons

6. The appeal site lies on the southern side of Mantle Street and comprises a petrol filling station, retail unit, and car wash. The proposed signage would be located on a grass verge along the western boundary of the petrol station. Mantle Street is a busy urban road leading into the market town of Wellington from the A38, with a surrounding mix of residential, commercial, retail, and community uses.
7. From its placement, the advertisement is intended to attract attention from users of the petrol station, car wash, and retail unit, as well as those exiting Wellington toward the A38. Due to the existing boundary fence, I consider that it would not be visible to those approaching from the west. I therefore find that it would not affect the visual amenity of the route into the town.
8. Although near a residential property, the signage would be clearly associated with the commercial setting of the petrol station. Its design, size, and placement are in keeping with the surroundings and would not appear excessive or out of place in local views.
9. During my site visit, I observed both temporary and permanent signage within the site. While other advertisements are present, the area is not visually cluttered. The proposed sign, given the spacing between existing signs, would not contribute to advertisement clutter.
10. The adjacent residential property is screened by two close-board fences and a driveway and sits slightly elevated above the proposed advertisement sign. The sign's illumination faces away from the property. I find this arrangement ensures an acceptable relationship between the sign and the dwelling.
11. A pre-school and youth centre lie opposite the site. These community facilities are used intermittently by short-term visitors, unlike residential properties. Given this usage pattern, the sign's illumination would not adversely affect their amenity.

12. Overall, the signage would be appropriate in scale and context, not appearing dominant or intrusive. Subject to controls on illumination, it would not harm the character or amenity of the area.

Conditions

13. In addition to the 5 standard conditions set out in the Regulations, the appellant has suggested several additional conditions. I have reviewed these in accordance with the tests set out in the Framework and PPG, revising where necessary.
14. The additional conditions proposed relate to the brightness levels and content of the digital signage. In the interest of safeguarding visual amenity, I consider it reasonable and necessary to impose conditions broadly in line with those suggested. To ensure the signage remains appropriate and enforceable, it is also necessary to set a maximum luminance level during daylight hours and to require the use of an automatic brightness sensor that adjusts to ambient light conditions.

Conclusion

15. The proposed advertisement would not have a detrimental visual effect on the amenity of the appeal site and the surrounding area. For the reasons set out above, I conclude that the appeal should be allowed.

Simon J Cater

INSPECTOR