



Appeal Decision

Site visit made on 23 May 2025

by **Simon J Cater MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref APP/E3335/Z/25/3363414 18 East Reach, Taunton TA1 3EW

- 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 Somerset Council.
 - The application Ref is 38/24/0407/A.
 - The advertisement proposed is replacement of 48-sheet advertising display for a D48 illuminated advertising display.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of 48-sheet advertising display for a D48 illuminated advertising display at 18 East Reach, Taunton TA1 3EW in accordance with the terms of the application, Ref 38/24/0407/A, dated 13 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) The advertisement hereby permitted, shall not be illuminated between the hours of 23:00 and 07:00 on any day.
 - 4) During 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.
 - 5) 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. 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.

Background and Main Issue

3. Neither the Highway Authority, nor the Council, has raised any objection to the proposal regarding public safety, provided that appropriate planning conditions are imposed. I have no reason to disagree with this view.
4. The main issue is therefore the effect of the proposed advertisement on amenity.

Reasons

5. The appeal concerns the eastern gable wall of No. 18 East Reach, an end-of-terrace, two-storey building. The proposal is to replace the current non-illuminated advertisement on the end gable with a new illuminated one of the same size and position.
6. The surrounding area features a mix of commercial and residential uses, with retail units typically occupying ground floors along East Reach and residential units above. Eastbourne Road, by contrast, is predominantly residential in character.
7. It is clear from the plans and my site visit that the only difference between the existing and proposed advertisements is that the new one would be a modern, illuminated display. The current advertisement is already a familiar part of the street scene, and the proposed advertisement display size would not be any more visually prominent.
8. The gable end of the appeal site faces the gable end of No. 21 East Reach and has a barber shop on the ground floor that fronts onto East Reach, with residential accommodation above. The accommodation above includes four windows that would face the proposed digital display. Next to No. 21 is a residential apartment block on Eastbourne Road, with its main windows facing the street.
9. The proposed digital display would be brighter than the current paper-based advertisement that exists. This would be the case even if the levels of illumination and the speed and frequency of image transitions on the display screen were carefully controlled.
10. Residents opposite would have a direct view of the display and in my opinion the illumination of the proposed advertisement would cause disturbance at night to occupiers. To preserve the amenities of surrounding residents I impose a condition limiting illumination between 23:00 and 07:00 to protect residential amenity.
11. Overall, the signage is appropriately scaled and is in keeping with its surroundings. It would not appear dominant or harm the amenity of the area, subject to the proposed condition on illumination levels and hours.

Conditions

12. In addition to the 5 standard conditions set out in the Regulations, the Council has suggested several additional conditions. I have reviewed these in accordance with the tests set out in the Framework and PPG, revising where necessary.
13. The additional conditions proposed by the Council relate to the brightness levels, hours of illumination, and the nature of the content displayed on the digital signage. In the interest of safeguarding visual amenity and highway safety, I consider it reasonable and necessary to impose conditions broadly in line with those suggested, with some modifications to ensure clarity, enforceability, and consistency with national guidance.
14. The condition requiring static images only, with no moving or apparently moving images, is retained. However, I have amended the wording to explicitly prohibit animation, video, or any content resembling road signs or traffic signals, to avoid ambiguity and in the interest of highway safety. These restrictions are necessary to ensure that the digital display does not distract or confuse road users, particularly in a location where driver attention must remain focused on the road environment.
15. The method of image transition has been revised. The original condition proposed a fade/dissolve transition over a period of up to one second. However, to minimise distraction to road users, I consider it more appropriate to require an instantaneous change (0.1 seconds or less) with no visual effects such as swiping or fading. This approach is more consistent with best practice for roadside digital advertising and reduces the potential for perceived motion.
16. A condition restricting illumination between 23:00 and 07:00 is imposed to preserve the amenities of surrounding residents. Given that properties opposite the site would have a direct view of the display, I consider that illumination during night-time hours would cause undue disturbance to occupiers. The restriction ensures that the advertisement does not operate during the most sensitive hours, thereby protecting residential amenity in a clear and enforceable manner.
17. To ensure the signage remains appropriate in varying lighting conditions, I have imposed a condition setting maximum luminance levels of 300 candelas per square metre during twilight and low light conditions, and 600 candelas per square metre at all other times. The requirement for a photocell and automatic dimmer control is retained, as this ensures the display adapts to ambient light and avoids excessive brightness.
18. The Council has requested that each advertisement be displayed for a minimum of 10 seconds, with a restriction on interactive content or sequential messaging. This approach is consistent with industry standards, as referenced by the Appellant, and is intended to safeguard public safety by reducing the risk of driver distraction caused by advertisements. I have therefore imposed a condition to this effect in the interests of maintaining highway safety.
19. The Council have proposed a condition requiring six months of post-installation monitoring and reporting on luminance, highway lighting, and road safety, with adjustments agreed by the Council. While I recognise the aim of the proposed condition by the Council, I consider the condition unnecessary and difficult to

enforce, given the existing safeguards and adherence to industry standards. I have therefore not applied this planning condition.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be allowed.

Simon J Cater

INSPECTOR