



Appeal Decision

Site visit made on 23 June 2025

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st July 2025

Appeal Ref: APP/M3455/H/25/3359785

ATM, 1003 Uttoxeter Road, Stoke on Trent ST3 6HE

- 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 Stoke-on-Trent City Council.
 - The application Ref 71534/AD was approved on 12 December 2024 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is the display of internally illuminated digital advertisement.
 - The condition in dispute is No 3 which states that: *The maximum luminance of any light source shall not exceed 300 candelas per square metre.*
 - The reasons given for the condition is: *To limit the intensity of light and thereby reduce the potential for glare and dazzle which might distract drivers, in the interests of highway safety on the A50 and to enable it to continue to be an effective part of the Strategic Road Network.*
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Decision

1. The appeal is allowed and express consent Ref 71534/AD for the display of internally illuminated digital advertisement at ATM, 1003 Uttoxeter Road, Stoke on Trent ST3 6HE granted on 12 December 2024 by Stoke-on-Trent City Council, is varied by deleting condition 3 and substituting it for the following condition:
 - 3) In the hours of darkness, the intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 cd/m² in accordance with the recommended maximum night time luminance value set out for Environmental Zone 3 in Table 10.4 of The Institution of Lighting Professionals Lighting Guide PLG 05 (2023) 'The Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide).

In daylight hours, the intensity of the illumination of the advertisement permitted by this consent shall be controlled by a sensor in order to reflect ambient light conditions and shall not exceed 5000 cd/m² in accordance with Table 10.5 of The Institution of Lighting Professionals Lighting Guide PLG 05 (2023) 'The Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide).

Main Issue

2. The main issue is whether the disputed condition is reasonable and necessary in the interests of public safety.

Reasons

3. The appeal site is a petrol station adjacent to the eastbound carriageway of the A50 Uttoxeter Road.
4. The disputed condition was suggested by National Highways and although they stated that it could not be demonstrated that a road safety hazard would be a direct result of the proposal, they suggested a condition restricting the luminance of the digital advertisement to 300cd/m².
5. The appellant has no concern with limiting the luminance of the advertisement to 300cd/m² during the hours of darkness. This accords with guidance set out in The Institution of Lighting Professionals Lighting Guide PLG 05 (2023) (PLG05). However, for practical reasons, the appellant objects to this limit being imposed during daylight hours. The current imposed limit appears to be more restrictive than the guidance in PLG05, which sets out that limiting advertisements to 300cd/m² during hours of daylight could make the display unreadable during bright light.
6. The appellant has stated that the advertisement would be controlled by an internal sensor. This sensor would automatically adjust the display in real-time to reflect ambient light conditions throughout the day, ensuring the sign would not be over-illuminated. In low light, the illuminance would reduce to ensure the screen would not create any glare or dazzle for drivers, which could be detrimental to highway safety. In bright light, the illuminance would increase but would not exceed 5000cd/m². This approach would accord with the guidance set out in PLG05, and the appellant has suggested an alternative condition to this effect.
7. Whilst the Council has imposed the condition to prevent glare and dazzle that may distract drivers, they have not explained why the luminance needs to be restricted to 300cd/m² throughout both the hours of daylight and darkness, and why it may be appropriate to disregard the guidance in PLG05 in this instance. Moreover, there is no substantive evidence before me which would suggest that an increase up to 5000cd/m² during daylight hours of the modest D6 sized advertisement would be harmful to amenity or highway safety.
8. For the reasons above, the disputed condition is not reasonable and necessary in the interests of public safety. However, the appellant's suggested amendment to condition 3 is reasonable and necessary to make the advertisement acceptable. I shall therefore allow the appeal and vary the original consent by deleting the disputed condition and substituting it with an amended condition.

Conclusion

9. For the reasons given above the appeal should be allowed.

T Bennett

INSPECTOR