



Appeal Decision

Site visit made on 3 June 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 July 2025

Appeal Ref: APP/D1835/Z/25/3360706

Northwick Service Station, Ombersley Road, Worcester WR3 7BT

- 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 Worcester City Council.
 - The application Ref is 24/00870/ADV.
 - The advertisement proposed is a freestanding D6 digital poster.
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Decision

1. The appeal is allowed, and express consent is granted for the display of the freestanding D6 digital poster as applied for. 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) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous.
 - 2) The advertisement display shall only display static images and shall not display any moving images, or apparently moving images; message sequencing; interactive messages; directional signage or images resembling traffic signs.
 - 3) There shall be no special effects (including animation, flashing, scrolling, three dimensional, intermittent, or video elements) of any kind during the time that any message is displayed.
 - 4) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull) and shall at all times be within that recommended by the Institute of Lighting Professionals (for a sign within Environmental Zone 3 Suburban) in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide). In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/sqm.
 - 5) In the event of malfunction, the digital advertisement screen shall automatically power off.

Preliminary Matters

2. The application form describes development as “erection of freestanding D6 digital poster” whereas the appeal form includes reference to the advertisement’s size, illumination levels and materials. I have adjusted the description to that as seen in

the banner heading above, which I am satisfied adequately describes the proposal.

3. The Council has drawn my attention to policies it considers to be relevant to this appeal. I have taken these into account as a material consideration. 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 (the PPG) confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal. I have also had regard to the Framework which seeks to prevent the negative impacts of poor advertisements.

Main Issue

4. The Council's reason for refusal relates specifically to matters of amenity. There was no objection raised on the grounds of public safety and based on the evidence before me and my site visit, I find no reason to take a different view on that matter. Accordingly, the main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

5. The appeal site relates to a petrol filling station and associated retail unit located within a small enclave of commercial uses in a wider residential area. The site is located on an A-road, which is well-lit with good forward visibility, on the outskirts of Worcester City Centre. The surrounding commercial uses are all located on Ombersley Road and the majority of these have advertisements attached to and around their respective buildings, which appear to be non-illuminated. A Co-op convenience store is also located diagonally opposite the site. This store has fascia signage and a freestanding totem, both of which are internally illuminated.
6. The petrol filling station has canopy signage, a freestanding totem sign and fascia signage for the retail unit, all of which appear to be internally illuminated. Incidental advertisements within the appeal site are situated on the Ombersley Road frontage and include a cash point and parcel lockers. As such, the immediate environs surrounding the site are of a mixed-use nature where internally illuminated advertisements would not be out of character.
7. Barbourne Grange and 1 and 3 April Cottage, which are all Grade II listed, are within the vicinity of the site. Most of the buildings surrounding the appeal site date from 1900 onwards however, there are modern infill elements including modern apartment blocks and the Co-op store within the adjacent street scene.
8. The digital poster is single sided and would only be visible when travelling out of Worcester on Ombersley Road. As such, the display would only be visible to a small number of residential occupiers adjacent to the site on Ombersley Road. Longer views of the digital poster would be possible from Ombersley Road when exiting Worcester. However, from such views, the advertisement would be framed by the existing utilities building, the petrol filling station forecourt and the buildings beyond within its background.
9. Although the statutory duty in relation to the setting of the listed buildings identified above, does not apply in relation to advertisements, they are located within the

vicinity of the appeal site. The listed dwellings, located at 1 and 3 April Cottage, are located on Northwick Road, and on the opposite side of the petrol filling station forecourt. Whilst the proposed digital poster may be visible to occupiers of these dwellings, this would be at an oblique angle and at a distance. The petrol station pumps and forecourt, may also prevent the digital poster having any visual relationship with the listed dwellings. Barbourne Grange is located adjacent to the road fork where Northwick Road and Ombersley Road meet. The proposed digital sign would be visible from this property. However, the location of Barbourne Grange has no functional relationship with the location of the sign within and on the edge of the existing forecourt. Accordingly, I am satisfied that there would be no harm to settings of these buildings.

10. The proposed advertisement would be of a similar size to the existing sign in this location, which would be removed. As such, its scale and siting would not be out of keeping with its surroundings and would have a neutral impact on the character and context of its immediate area which in turn would not harm the amenity of the area.
11. Furthermore, each existing advertisement within the forecourt is viewed sequentially on its own, with the petrol filling station canopy and totem signage, being the first to be seen when travelling towards the appeal site from any direction. The proposed advertisement would include an intermittent changing of the illuminated display panel and would therefore have a noticeably brighter and more obvious appearance. However, for the reasons set out above, I do not consider that this would be harmful in this particular location. Moreover, given the modest size of the proposal, and the fact that it would replace an existing advertisement, I do not consider that it would add significantly to visual clutter.
12. Consequently, the proposal would result in no harm to the amenity of the area. I have taken into account Policy SWDP21 of the South Worcestershire Development Plan 2016. This requires, amongst other things, for proposals to contribute, integrate and reinforce local distinctiveness, conserve heritage assets and their settings and support outdoor advertisements where they will not adversely affect the amenities of the area or impact on public safety. As such, these are material in this case, along with paragraph 141 of the Framework which seeks advertisements to be well designed and sited. Given that I have concluded that the proposal would not harm amenity, it does not conflict with these policies.

Other Matters

13. Whilst on site, I was able to observe both traffic and pedestrian movements in and out of the appeal site, the adjacent road junction and Co-op convenience store. Based on my observations, I am satisfied that the proposed digital sign would not cause a distraction for highway users and in turn, would not harm public safety. This is a view shared by the Highway Authority who provided two consultation responses of no objection, one of which was directly related to the objection raised by the third party.

Conditions

14. The Highway Authority has requested conditions to control the display and luminance of the advertisement. The imposition of conditions is agreed by the appellant in their grounds of appeal where a list of model conditions has been provided.

15. In this regard, it is necessary to impose conditions that control the display. The level of illumination should be limited to prevent glare or dazzle for road users [4]. Furthermore, conditions that would manage the frequency of image change [1], to deactivate if the screen becomes corrupted [5] and to prevent moving images [2 and 3] are also required in the interests of highway safety.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed in the terms set out above.

P Brennan

INSPECTOR