



Appeal Decision

Site visit made on 27 June 2025

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Appeal Ref: APP/X5990/H/25/3364919

Payphone outside 188 Edgware Road, London W1H 4LA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a condition imposed when granting express consent.
 - The appeal is made by Mr Nathan Still, In Focus Public Networks, against the decision of City of Westminster Council.
 - The application Ref 25/01190/ADV was approved on 17 April 2025 and express consent was granted for the display of an advertisement subject to conditions.
 - The condition in dispute is additional condition No 1 which states that *"You can display the advert for five years from the date of this letter. You must then remove it without delay"*.
 - The reason given for the condition is: *"So that we can assess the effect of the advert and make sure it meets policy 24, 25, 38, 39, 43 of the City Plan 2019-2040 (April 2021)"*.
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Decision

1. The appeal is allowed and the advertisement consent Ref 25/01190/ADV for the display of an internally illuminated LCD portrait screen measuring 1.065m x 1.985m outside 188 Edgware Road, London W1H 4LA granted on 17 April 2025 by Westminster City Council is varied by deleting additional condition No.1.

Procedural Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Background and Main Issue

3. In April 2025 planning permission was granted for the installation of an open access Communication Hub¹ and advertisement consent granted for the display of an internally illuminated LCD portrait screen measuring 1.065m x 1.985m. The latter consent, which is the subject of this appeal, includes 5 conditions in addition to the 5 standard conditions. Additional condition No.1 states *"You can display the advert for five years from the date of this letter. You must then remove it without delay"*. The reason given for imposing this condition is *"So that we can assess the effect of the advert and make sure it meets policy 24, 25, 38, 39, 43 of the City Plan 2019-2040 (April 2021)"*.

¹ Application ref: 25/01189/FULL

4. The appellant is of the view that Council's reason for imposing the additional condition No.1 is not reasonable and suggests the Council has not provided adequate justification as to why the removal of the advertisement at the end of the five-year period is necessary or desirable in the interests of amenity or safety.
5. On the basis of the appellant's submission and the information before me I consider the main issue to be whether additional condition No.1 is necessary and reasonable in the interests of amenity or public safety.

Reasons

6. Additional condition No.1 requires the removal of the advertisement at the end of the 5-year express consent period. It removes the appellant's right to continue to display the advertisements under deemed consent that would otherwise apply after the expiry of the express consent.
7. The National Planning Practice Guidance² (NPPG) states that if a local planning authority decides to impose conditions that are additional to the standard conditions, these must be supported by specific and relevant planning reasons. It also states that conditions should never be imposed because the local planning authority wishes, as a matter of general policy, to prevent the operation of Class 14 in Schedule 3 (advertisements displayed after expiry of express consent) in their area.
8. The advertisement has recently been found to be acceptable by the Council in respect of its effects on amenity and public safety. In its assessment of amenity impacts the Council noted that the appeal site's surroundings lack a coherent townscape or notable design quality, have an overtly commercial character and low architectural merit.
9. No justification for the imposition of additional condition No.1 was provided when consent was granted. The Council has subsequently referred to a rapidly evolving streetscape and ongoing street improvement programmes along Edgware Road and a need to regularly reassess the impact of the advertisements on visual amenity and to review the consent in light of any changes to the physical or policy context that may arise over time.
10. However, there is no firm evidence before me to indicate that the area surrounding the appeal site is likely to change to such a degree in coming years that the advertisement would be unacceptable in respect of its effects on amenity or public safety in 2030. In any event, if that were to be the case the Council would have the option of taking discontinuance action to secure the removal of the advertisement. Additional condition No.1 serves no obvious purpose in respect of dealing with a change in local circumstances over the coming 5 years.
11. Taking into account the advice in the NPPG and the powers available to the Council, I conclude that additional condition No.1 is not necessary or reasonable.

Conditions

12. The appellant has suggested that additional condition No.1 should be varied to remove the sentence "*You must then remove it without delay*". As Regulation 14(7)(b) of the Regulations automatically limits advertisement consent to 5 years

² Paragraph: 034 Reference ID: 18b-034-20140306

retaining the first sentence of additional condition No.1 as suggested would duplicate the Regulations and would serve no meaningful purpose. As such additional condition No.1 should be removed rather than varied.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

S Poole

INSPECTOR