



Appeal Decision

Site visit made on 11 June 2025

by **P H Wallace BSc (Hons) DipMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/A1530/Z/25/3364212

Land Adj. 37 London Road, Stanway, Colchester CO3 0NR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Colchester City Council.
 - The application Ref is 250063.
 - The development proposed is described as erection of a freestanding D6 small format advertising display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 (The Regulations) to control advertisements, may only be exercised in the interests of visual amenity and public safety, taking account of any material factors.
3. The Council's reason for refusal relates specifically to matters of amenity. There was no objection raised on the grounds of public safety and I find no reason to take a different view on that matter.

Main Issue

4. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

5. The appeal relates to a freestanding digital advertisement display unit (measuring 1.23m(w) x 2.4m(h)) at a petrol filling station on the south side of a lit single carriageway, London Road. The filling station has a strong commercial character, featuring a canopied forecourt, drive-through car wash and convenience shop. There are incidental advertisements focused on and around these structures and an internally illuminated totem sign incorporating digital fuel price displays between the canopy and highway. The main forecourt is lit by under-canopy lighting.
6. To the east of the site is a run of varied commercial frontages with a mixture of fascia and other signage some of which is illuminated. Towards the west the site immediately abuts residential development. The local area otherwise has a strong residential character with a tight-knit residential frontage to the north side of London

Road comprising dwellings set a short distance back from the road. The contrast between the commercial character of the site and the more restrained residential qualities of the surrounding area is quite pronounced.

7. The proposal would be sited northwest of the forecourt canopy, adjacent to a residential boundary and positioned toward the front of the site in an open and unused area that provides some transition between the commercial and residential uses. The display would be angled acutely, making it readily visible along the filling station's vehicular exit and from London Road, where it would, in part, be seen against the backdrop of the adjoining residential property. The display would show sequential static advertisements at 10-second intervals with instantaneous transitions and be illuminated in accordance with relevant industry guidelines¹.
8. The offset positioning of the proposed display, set apart from the main forecourt canopy and totem sign, in close proximity to the adjoining dwelling and angled to be seen from the highway and footway, would accentuate the contrast between the site's commercial character and the surrounding residential area. Notwithstanding the presence of other illuminated signage and street lighting nearby, the introduction of a distinctly modern design and digital format (neither of which are characteristic of local advertisements), with intermittent image changes and internal illumination, would appear jarring and incongruous in relation to the immediate domestic context. Together with its scale and siting tight to the residential boundary, the display would have an imposing and detrimental effect on the residential character.
9. Accordingly, I conclude the proposal would cause harm to amenity. I have taken into account Policy SP7 of the Colchester Borough Council Local Plan 2017-2033: North Essex Authorities' Shared Strategic Section 1 Plan and Policy DM15 of the adopted Local Plan which seek to protect and promote visual amenity and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other Matters

10. The appellant has suggested that the proposal would result in a number of benefits, including the reduction in CO2 emissions and waste, the use of sustainable energy, the display of emergency messages, and economic benefits. However, as set out above, powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety.
11. I have also been referred to other sites where similar advertisement displays have been approved by local planning authorities, including at the Windmill Service Station in the New Forest. While those schemes involve a display unit within a service station context, their siting and proximity to residential properties differ materially from this appeal. In those instances, the displays are set further from residential boundaries and are generally viewed against a predominantly commercial backdrop. Consequently, these cases are not directly comparable to the proposal before me and in any event, this appeal has been assessed on its individual merits and with reference to its specific context.

¹ Institute of Lighting Professionals: The Brightness of Illuminated Advertisements' PLG05, 2015

12. The appellant has indicated he would be willing to consider how the existing advertisement display on site could be rationalised and/or de-cluttered as part of any consent for the proposal. No details are before me however and this would not in any case have a direct bearing on the acceptability of the proposed advertisement.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

PH Wallace

INSPECTOR