



Appeal Decision

Site visit made on 24 June 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/C1055/H/24/3358148

Land on the north side of London Road, Derby DE24 8PX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Wildstone Estates Limited against Derby City Council.
 - The application Ref is 24/01253/ADV.
 - The advertisement proposed is removal of 1no. poster advertisement display and conversion of 2no. poster advertisement displays to D-Posters.
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Decision

1. The appeal is allowed and express consent is granted for the removal of 1no. poster advertisement display and conversion of 2no. poster advertisement displays to D-Posters 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 the Regulations and the additional conditions set out in the attached schedule.

Preliminary Matters and Main Issues

2. This appeal was submitted following the Council's failure to give notice of its decision on the application within the prescribed period. The Council has provided a statement of case which indicates that in its opinion the proposed advertisements would be acceptable. Accordingly, from the evidence before me, it appears that the Council would have granted consent had it been empowered to do so.
3. On that basis, and in accordance with the National Planning Policy Framework (the Framework) and the Regulations, the main issues are the effect of the proposed advertisements on:
 - Amenity, including the setting and significance of a Grade II listed building; and
 - Public safety.

Reasons

Amenity

4. The appeal site is an irregular shaped grassed verge, adjoining a busy road and near to a Grade II listed building, 997 London Road. It is enclosed on the rear and side boundaries by a tall close boarded fence and has an open frontage which abuts the pavement. Three paper and paste billboards are currently displayed within the verge, directly in front of the boundary fence, and are highly visible within the street scene.

5. The area is in mixed use, containing residential and commercial properties. A car dealership, barbers and a large cycle shop are located close to the site, all of which display non-illuminated signs. In addition, a two-sided digital sign is displayed at the bus stop within the pavement close to the appeal site.
6. The statutory list description identifies 997 London Road as a tollhouse. It is a two-storey building that contributes positively to the visual character and appearance of the area, constructed in red brick with architectural features including stone dressings, three-light mullioned window with curved tympanum and gabled front. The special interest and significance of the listed building is derived from its evidential and historic value as a surviving remnant of the toll road system and from its aesthetic value.
7. Taking into consideration the proximity of the appeal site to the listed building and the former toll road, I agree with the appellant that it forms part of its setting. The appeal site does not positively contribute to this setting due to the presence of the existing billboards.
8. The proposed advertising posters (D-Posters) would measure six metres by three metres and would replace two of the existing billboards which are externally illuminated and of a similar size. The third existing billboard, which is smaller and non-illuminated, would be removed.
9. The proposed D-Posters would be seen in views of the listed building in both directions whilst travelling along London Road and will form part of the environment within which it is experienced. Nonetheless, there would be an overall reduction in the number of advertisements in this area. Furthermore, the D-Posters would not be any more prominent within key vistas of the listed building than the existing billboards. Given such factors, the impact of the proposals on the setting and significance of the listed building would be neutral. Furthermore, in such a well-lit and mixed urban setting the scale and appearance of the proposed advertisements would not dominate the street scene.
10. For these reasons, I conclude that the proposal would not cause harm to amenity and would not harm the setting or significance of 997 London Road, a Grade II listed building.

Public safety

11. As set out above, the site is located on a busy road along which several advertisements signs, including a digital sign, are seen. The proposed advertisements would not be located at a point in the road where drivers need to take more care and where they are more likely to affect public safety. Whilst, due to their nature, the proposed advertisements would have the potential to be a distracting feature within the streetscape, subject to controls regarding their operation, which could be secured by condition, pedestrians and motorists are unlikely to be distracted to the extent to which public safety would be undermined. In reaching this conclusion I note that the Highway Authority offers no objection to the proposed advertisements.
12. For these reasons, the proposed advertisements would not harm public safety. Accordingly, there would be no conflict with the Framework.

Conditions

13. The main parties have suggested additional conditions which seek to control the operation of the advertisement display. I agree that controls are required to control elements of the proposed advertisements in interest of safeguarding amenity and highway safety and have made some amendments to the suggested wording in the interests of clarity and to avoid duplication.
14. Given the proposed advertisements are located within the setting of the Grade II listed 997 London Road, I have specified a lower luminance level than that suggested by the Council.
15. I have imposed a plans condition, in the interests of clarity. In addition, although not recommended by either party, it is necessary to impose a condition that secures the removal of the existing paper and paste billboards for the avoidance of doubt, to preserve the setting of the listed building and in the wider interests of amenity.

Conclusion

16. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

Schedule of Conditions

- 1) The development shall be undertaken in strict accordance with the plans hereby approved, namely drawing numbers 14100-PA-01 Site Location Plan, 14100-PA-03 Proposed Site Plan) and 14100-PA-04 Existing and Proposed Elevations.
- 2) The digital advertising units hereby granted consent shall not be installed until the three existing advertising displays, as identified on drawing number 14100-PA-04 Existing and Proposed Elevations, have been completely removed from the site.
- 3) There shall be no moving images, animation, video or full motion images displayed on the digital advertising units hereby granted consent, and the means of illumination shall not be intermittent, pulsating or flashing.
- 4) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night time luminance value set out for Environmental Zone 3 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
- 5) 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 no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².

- 6) Unless otherwise permitted, 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.
- 7) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display shall include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use, which shall remain operational for the lifetime of the advertisement.
- 8) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.