



Appeal Decision

Site visit made on 22 July 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th August 2025

Appeal Ref: APP/Y0435/H/25/3361312

Portway, Milton Keynes, Buckinghamshire MK14 7BF

Grid Ref Easting: 485384, Grid Ref Northing: 239549

- 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 Milton Keynes City Council.
 - The application Ref PLN/2024/2509 was approved on 28 January 2025 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is erection of a D48 internally illuminated digital advertising display.
 - The condition in dispute is No. 1 which states that: *This consent shall expire at the end of a period of 3 years from the date of this decision, on or before which date the display of advertisement(s) shall be permanently discontinued, with any structure or hoarding used principally for the purpose of displaying the advertisement(s) removed.*
 - The reason given for the condition is: *In recognition that the principle of the advertisement(s) approved requires review in the interests of highway safety beyond the period of consent, thereby preventing operation of Deemed Consent provisions under Class 14 of Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).*
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Decision

1. The appeal is allowed and the express consent Ref PLN/2024/2509 for erection of a D48 internally illuminated digital advertising display at Portway, Milton Keynes, Buckinghamshire MK14 7BF granted on 28 January 2025 by Milton Keynes Council is varied by deleting condition No. 1.

Preliminary Matters

2. I observed that an advertising display has been erected and appears to accord with the plans before me. Whilst no actual advertisements were being displayed at the time of my site visit, I have considered the appeal on the basis that the development has already taken place.

Background and Main Issue

3. The Council granted consent for the advertising display subject to conditions, one of which requires that it is permanently discontinued, and any structure or hoarding removed, within 3 years. The reason for imposing this condition was to review the principle of the advertisement after this period in the interests of highway safety.
4. The appellant seeks to vary the express consent by removing this condition, as it is not reasonable and necessary in the interests of amenity and public safety and replace it with a condition stating that express consent expires five years from the date of the notice.

5. Accordingly, the main issue is whether Condition No. 1 is reasonable and necessary, having regard to the requirements of the Regulations.

Reasons

6. An express consent for an advertisement is subject to standard conditions set out in Schedule 2 of the Regulations. Moreover, the Regulations require that an express consent shall be subject to the condition that it expires at the end of such a period that the local planning authority may specify in granting consent, or a period of 5 years. After the expiry of the relevant period, the advertisement can continue to be lawfully displayed as it will have the benefit of deemed consent under Class 14 of Schedule 3 of the Regulations. However, a local planning authority may impose a condition that an advertisement with express consent must be removed after the consent expires and as such would not benefit from deemed consent.
7. The Planning Practice Guidance (PPG) states that if a local planning authority decides to impose conditions which are in addition 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 of Schedule 3 in their area¹.
8. Therefore, whether a condition to remove an advertisement is reasonable and necessary would depend on whether it would be likely to be unacceptable at the end of the specified period. As per the guidance in the PPG, the reason for such a condition needs to be justified with specific and relevant planning reasons as to why the situation on site would potentially change to make the advertisement unacceptable in relation to amenity or public safety, at the end of the period.
9. The appeal site is within the grounds of a petrol filling station (PFS), which is accessed off the Portway eastbound dual carriageway and already contains a number of advertisements of varying sizes, reflecting the services available at the premises. There is a similar PFS to the opposite side of the road, which serves the westbound dual carriageway.
10. The advertising display is orientated to face the westbound carriageway and has a backdrop of established trees and vegetation. Travelling westwards along this straight stretch of road, I saw that the 2 PFSs both appear self-contained within their respective sites and visually separated by the generous width of the dual carriageway. There were no highway traffic signs in the immediate vicinity of the PFSs, with the closest one on the westbound carriageway being at the North Secklow Roundabout.
11. At the time of the decision the Council found that the advertisement would be acceptable in terms of amenity. In relation to public safety, the Highways Department had concerns that the advertisement may cause a distraction to drivers. Although they did not object to the proposal, it was suggested that the advertisement be initially restricted to 1 year to allow the impact to be properly assessed, along with other conditions to ensure highway safety and reduce distraction to the users.

¹ Reference ID: 18b-034-20140306

12. I recognise the concerns expressed by the Council, including that the size and form of the digital advertisement would be the first of its kind in Central Milton Keynes and is not commonly experienced in the city, as well as potentially posing a distraction to users of the road that is subject to the national speed limit. However, due to the straight, wide and open nature of the dual carriageway, users of the highway when approaching the advertising display would see it from a distance, giving adequate time to absorb its content, including its illumination and changing display. Conditions attached to the consent would also control luminance levels, display time, image transition and type of adverts displayed. There is no substantive evidence before me to indicate that circumstances will be so different by January 2028, or after the standard 5-year period, to justify a review. Consequently, I am not persuaded that there would be adverse effects on public safety at the end of the specified 3-year period.
13. Whilst I note that there are no details in relation to the structural integrity of the hoarding and its supporting frame, such structures are established pieces of street furniture throughout the country. Furthermore, there would be an expectation that the manufacturer and operator would undertake due diligence before any installation. As such, there is no compelling evidence before me that, due to its positioning to the highway, the advertising display would represent a risk to public safety from falling during adverse weather conditions such as strong winds.
14. Whilst I recognise that there is nothing to prevent the appellant from submitting a new application after or prior to the expiry of the existing consent, I must assess this appeal on its individual merits. In addition, powers would be available to the Council to take discontinuation action if appropriate.
15. Therefore, I conclude that condition No. 1 is neither reasonable nor necessary, having regard to the requirements of the Regulations.

Conditions

16. I have considered the condition suggested by the appellant but, by virtue of the Regulations, express consent is automatically given for 5 years, and it is not necessary. For the avoidance of doubt, as I am varying the express consent, this period would run from the date of the Council's decision notice.

Conclusion

17. For the above reasons, the appeal is allowed and I vary the express consent by deleting the disputed condition.

P Barton

INSPECTOR