



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: 06 August 2025

Appeal Ref: APP/Y0435/H/25/3358630

ESSO Petrol Filling Station, 10-14 Aylesbury Street, Milton Keynes MK2 2BA

- 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 Wildstone Estates Limited against the decision of Milton Keynes City Council.
 - The application Ref 24/01570/ADV was approved on 15 November 2024 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is erection of a freestanding small format advertising display.
 - The condition in dispute is No. 1 which states that: *This consent shall expire at the end of a period of 5 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 and amenity 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 24/01570/ADV for erection of a freestanding small format advertising display at ESSO Petrol Filling Station, 10-14 Aylesbury Street, Milton Keynes MK2 2BA granted on 15 November 2024 is varied by deleting condition No. 1.

Preliminary Matters

2. The address on the appeal form differs from that on the application form. The appellant has confirmed the address of the appeal site, which I have used in the above banner heading.
3. The Council has stated, since the appeal was started, that the condition in question is not necessary for the granting of permission and does not seek to defend the appeal.
4. I observed, during my site visit, that the freestanding small format advertising display has been erected and appears to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place.

Background and Main Issue

5. The Council granted consent for a freestanding small format advertising display subject to conditions, one of which requires that it is permanently discontinued, and any structure or hoarding removed, within 5 years. The reason for imposing

this condition was to review the principle of the advertisement after this period in the interests of highway safety and amenity.

6. The appellant seeks to vary the express consent by removing this condition, as they allege it is not reasonable and necessary in the interests of amenity and public safety. They seek to replace it with a condition stating that express consent expires five years from the date of the notice.
7. Accordingly, the main issue is whether Condition No. 1 is reasonable and necessary, having regard to the requirements of the Regulations.

Reasons

8. An express consent for an advertisement is subject to the five 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.
9. 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.
10. Therefore, whether a condition to remove an advertisement is considered reasonable and necessary would depend upon 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, in this case, 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.
11. The freestanding advertising display is located on the forecourt of a petrol filling station that contains a number of existing advertisements. At the time of the decision the Council found that the advertisement would be acceptable in terms of amenity and public safety. On the basis of my site visit, I agree with these assessments.
12. Overall, there is no substantive evidence before me to demonstrate that the advertisement would likely be unacceptable, in terms of amenity and public safety, at the end of the specified 5 year period. Consequently, I have found that Condition No. 1 is unreasonable and unnecessary, having regard to the requirements of the Regulations.

¹ Reference ID: 18b-034-20140306

Conditions

13. I have considered the condition suggested by the appellant. However, by reason 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 original decision notice.

Conclusion

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

P Barton

INSPECTOR