



Appeal Decision

Site visit made on 22 July 2025

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 August 2025

Appeal Ref: APP/M3455/Z/25/3366967

Murco, Biddulph Road, Chell, Stoke-on-Trent ST6 6SH

- 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 Stoke-on-Trent City Council.
 - The application Ref is 71706.
 - The advertisement proposed is 1no. single-sided D6 (digital advertisement) display.
-

Decision

1. The appeal is allowed and express consent is granted for 1no. single-sided D6 (digital advertisement) display at Murco, Biddulph Road, Chell, Stoke-on-Trent ST6 6SH, as applied for. The consent is granted for a period of five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and to the additional conditions included in the Schedule at Annexe A.

Procedural Matters

2. Under the above Regulations powers to control advertisements are to be exercised 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. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issue

3. The main issue is the effect of the proposed advertisement display on public safety.

Reasons

4. The location of the proposed new display is at the north-eastern corner of the site, next to the shared boundary with a neighbouring residential property and close to one of the two access points to the petrol filling station. In terms of visibility, the position of the display means that it would principally be seen by road users travelling northwards on Biddulph Road and those turning right to gain access to the petrol filling station.
5. The PPG states that all advertisements are intended to attract attention but those proposed at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.

6. Biddulph Road does not include any of these features with regard to the position of the proposed display, with good visibility along the road in the vicinity of the petrol filling station. The display would be of relatively modest scale, framed against the taller boundary fence and seen in the context of other advertisements and signage at the petrol filling station and bus shelter in front of it. As such, the new display in this location would not be an overly prominent addition.
7. The proposal will show static images on rotation. The PPG indicates that one of the advertisement types which may cause danger to road users is those which are subject to frequent changes of display. In this case, the display will be capable of showing six advertising campaigns at a time, sequencing every ten seconds. This is not a highly frequent degree of change and the proposed location for this type of display is not uncommon. Together with the good visibility and road conditions in the vicinity of the petrol filling station, the proposal would not be an undue distraction for drivers passing the site or turning into it.
8. The PPG also says that illuminated signs because of their size or brightness could result in glare and dazzle or distract road-users. The Highway Authority accepts the proposed maximum illumination level during the hours of darkness, but not the maximum level of 5000cd/m² during daylight hours. It has concerns regarding drivers being impacted by the brightness levels with a resultant unacceptable impact on highway safety.
9. I note, however, that the maximum luminance level during the day accords with the recommended maximum daytime permitted values for sign luminance in the relevant professionally-accredited guidance¹. The guidance says that the recommended levels would ensure that the display contrast against the background ambient light level is maintained, and thus the brightness of the advertisement is controlled. This would ensure that whilst the display remains legible, it does not have a negative impact on local amenity or public safety. To achieve this, suitable lighting controls should be incorporated to monitor ambient lighting levels and adjust the display luminance accordingly.
10. In addition, the appellant states that typical daytime levels controlled by light sensor range generally from between 600cd/m² and 2,500cd/m² depending on the brightness of the day, and the display generally operates well below this. Taking these factors as a whole and recognising that the recommended maximum luminance levels can be controlled by condition as the appellant suggests, the proposal would not have a materially harmful effect on public safety.
11. Accordingly, for these reasons, I conclude that the proposed advertisement display would not have a harmful effect on public safety. Consequently, the appeal should succeed. Given that I have concluded that the proposal would not harm public safety, it does not conflict with the Framework or the PPG.

Conditions

12. As an advertisement is involved the consent should be subject to the five standard conditions included in the 2007 Regulations. In addition to the conditions referred to above relating to luminance levels, the appellant suggests a number of conditions to ensure that the advertisements displayed do not have an adverse

¹ The Institution of Lighting Professionals – Professional Lighting Guide (PLG 05): *The brightness of illuminated advertisements including digital displays*, Table 10.5.

effect on public safety. I agree for this reason that conditions relating to the type of images, the display time and malfunction of the display are necessary. I have also added a further condition, for the avoidance of doubt, to ensure that the luminance level of the display is controlled to ensure that the perceived brightness of the display is maintained at a set level.

Conclusion

13. For the reasons given, the appeal should succeed.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) The luminance level of the display shall be controlled by ambient environmental control, which will automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level.
- 2) The maximum luminance of the advertisement shall not exceed 300cd/m² during the hours of darkness (dusk to dawn) and shall not exceed 5000cd/m² in daylight hours, both in accordance with the recommended maximum luminance values set out in the Institution of Lighting Professionals – Professional Lighting Guide (PLG 05) *The brightness of illuminated advertisements including digital displays* (or their equivalent in a replacement Guide).
- 3) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features or equipment which would permit interactive messages/advertisements to be displayed.
- 4) The interval between successive displays shall be no greater than 1 second and the complete display screen shall change without visual effects (including swiping or other animated transition methods) between each advertisement.
- 5) The advertisement shall not contain any animation, special effects, flashing, scrolling, three-dimensional images, intermittent or video elements. No images that resemble official road traffic signs, traffic lights or traffic matrix signs shall be displayed.
- 6) 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.

[End of Schedule]