



Appeal Decision

Site visit made on 29 July 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/R0660/H/25/3361304

Petrol Filling Station at Bradfield Road, Crewe CW1 3RA

- 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 Cheshire East Council.
 - The application Ref 24/4385/ADV was approved on 15 January 2025 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is 'erection of illuminated small format double sided advertising display'.
 - The condition in dispute is No 7 which states, this consent grants permission for the display of the advertisement(s) shown on the approved plans for a period of 5 years from the date of this consent. On or before 13th January 2030, the advertisement(s) hereby permitted shall be removed from the site and the land / building(s) restored to its former condition.
 - The reason given for the condition is in accordance with the Town and Country Planning (Control of Advertisements) Regulations 2007 to ensure deemed consent is not granted after the 5 year expiry having regard to the nature of the site and proposal.
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Decision

1. The appeal is allowed and the express consent Ref 24/4385/ADV for the erection of illuminated small format double sided advertising display at Petrol Filling Station at Bradfield Road, Crewe CW1 3RA granted on 15 January 2025 by Cheshire East Council is varied by deleting condition 7 and substituting it for the following condition:
 - 7) The period of express consent shall expire five years from the date of this notice.

Background and Main Issue

2. Express consent was granted under reference 24/4385/ADV for the erection of Illuminated small format double sided advertising display. A condition was imposed relating to the period for the display of the advertisement and states, this consent grants permission for the display of the advertisement(s) shown on the approved plans for a period of 5 years from the date of this consent. On or before 13th January 2030, the advertisement(s) hereby permitted shall be removed from the site and the land / building(s) restored to its former condition.
3. The reason for the condition is in accordance with the Town and Country Planning (Control of Advertisements) Regulations 2007 to ensure deemed consent is not granted after the 5 year expiry having regard to the nature of the site and proposal.
4. Regulations to control advertisements may be exercised only 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.

5. The appellant contends that condition 7 is not reasonable nor necessary in the interests of amenity and public safety. This is because Regulation 14 (7) (b) states that the period of express consent is 5 years unless the local planning authority specifies otherwise. The appellant contends that in granting express consent, the Council are satisfied that the display is acceptable in the interests of amenity and public safety and that the Council have not set out any additional information, justification, or evidence to indicate that this would change after the express consent expires.
6. In light of the reason provided for the imposition of the disputed condition, the main issue is whether condition 7 is reasonable and necessary in the interests of amenity and public safety having regard to the Town and Country Planning (Control of Advertisements) Regulations 2007.

Reasons

7. The appeal site relates to an existing petrol garage forecourt on the corner of Bradfield Road and Underwood Lane in Crewe.
8. The Planning Practice Guidance (PPG) and Paragraph 57 of the National Planning Policy Framework (the Framework) makes it clear that planning conditions should only be used where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
9. In determining the application for which express consent has been granted, the Council's officer's report concludes, *'the proposed advertisement would not significantly impact upon the character of the area with regards to amenity and public safety. It is recommended that advertisement consent be granted'*.
10. On this basis, the assessment regarding amenity and public safety has already been considered to be acceptable having regard to the nature of the site and proposals. This subsequently allowed for the grant of express consent.
11. All consents are automatically given for 5 years, unless specifically stated - Regulation 14(7)(b). After 5 years, 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. An advertisement with deemed consent can only be removed if discontinuance action is taken by the local planning authority.
12. I have no firm evidence to indicate that the advertisement would be likely to be unacceptable at the end of the specified period. I acknowledge the Council's comments regarding the degradation of the sign if not maintained but there is no firm evidence that this would be the case particularly given that planning conditions are in place relating to its maintenance/condition of the display in relation to visual amenity and public safety. Additionally, under Regulation 8, the Council has powers to remove the consented display should it be detrimental to amenity or public safety.
13. The condition as currently worded, requires that on or before 13th January 2030, the advertisement shall be removed from the site and the land restored to its former condition. This condition is more restrictive than those imposed by the regulations, and it is not reasonable nor necessary in terms of amenity or public safety with no justification for the condition. It is therefore in conflict with the PPG

and Framework. I find the appellant's suggested condition stating that the period of express consent shall expire five years from the date of this notice to be more reasonable in this case in accordance with the Town and Country Planning (Control of Advertisements) Regulations 2007.

Conclusion

14. For the reasons given above, and taking into account all matters raised, I am satisfied that the disputed condition is neither reasonable nor necessary and that express consent should be varied as set out in the formal decision.

N Teasdale

INSPECTOR