



Appeal Decision

Site visit made on 4 August 2025 by Kim Vo MPLAN

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2025

Appeal Ref: APP/W4325/Z/25/3368709

26 Old Chester Road, Higher Bebington, Wirral CH63 7LQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Ltd against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is ADV/25/00632.
 - The advertisement proposed is for the erection of a D6 digital advertisement.
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Decision

1. The appeal is allowed and express consent is granted for the erection of a D6 digital advertisement at 26 Old Chester Road, Higher Bebington, Wirral CH63 7LQ in accordance with the terms of the application, Ref ADV/25/00632. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:
 - 1) The advertisement hereby permitted shall only display two dimensional static images. It shall not display any moving images, animation, video or full motion images; messaging spread across more than one screen image; interactive messaging; or images resembling road traffic signs, traffic lights or traffic matrix signs at any time.
 - 2) In daylight hours, the display luminance of the advertisement hereby permitted 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 Adverts including Digital Displays' (or its equivalent replacement guide) in candela per square metre (cd/m²). In the hours of darkness, it shall be no greater than 300 cd/m². It shall not, at any time, be intermittent or flashing.
 - 3) The minimum time for each display on the advertisement hereby permitted shall be ten seconds. The interval between displays shall be instantaneous and the complete display shall change with no special effects.
 - 4) In the event of malfunction of the advertisement hereby permitted, or if it is not in use, the display shall include a mechanism to default to a blank or black screen.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter and Main Issue

3. The Council has referred to development plan policies and I have taken them into account as material considerations. However, power to control advertisements may be exercised only in the interests of amenity and public safety and therefore the policies alone have not been decisive. The Council do not have concerns regarding public safety, and I have no reason to disagree. Therefore, my recommendation focuses on the effect of the advertisement on amenity.

Reasons for the Recommendation

4. The appeal site comprises a petrol filling station, with an associated retail unit and car wash facility. It is within a designated Primarily Residential Area, adjacent to a secondary school and a traffic light controlled pedestrian crossing. The wider site features an illuminated freestanding totem sign and illuminated fascia signs. There is also a large canopy incorporating integrated lighting underneath. Other advertisements and fixtures present throughout the forecourt include non-illuminated banners, poster and freestanding signs, fuel pumps, litter bins and lockers.
5. The proposed advertisement would be sited in a corner framed by the retail unit, timber fencing and mature hedgerow to the rear. Its size and scale would therefore be modest against this backdrop. The site is characterised by extensive signage, with the large roof canopy and totem sign being the most prominent structures on approach. In this context, the addition of one freestanding digital display would appear as a minor feature, complementary with the site's commercial use. The appellant has also indicated that it would facilitate the removal of an existing banner and freestanding sign. The digital display would introduce a new light source to the area, which would be more obvious, particularly during dark hours. However, it would be single sided and a condition limiting illuminance levels can be attached. It would also not appear as a discordant addition, given that it would be within a site that already has an illuminated presence, with traffic and street lighting nearby. The advertisement would not therefore harm amenity and, taking into account the above, be acceptable under the regulations.
6. The Council has drawn my attention to Policies WS 6, WS 7 and WD 10 of the Wirral Local Plan 2025. These seek for, amongst others, development proposals to respond well to the local context and not result in harm to the amenity of neighbouring residents. The policies are a material consideration, and the appeal scheme would sit appropriately with their aims. Nevertheless, they have not been decisive.

Other Matters

7. The Council has referred to a previous refused application (ref: ADV/00/07140) for a single sided freestanding digital display. I have not been provided with full details of this. Therefore, I cannot be sure that it would be sufficiently similar to the appeal scheme such that I would change my findings. In any case, I have determined the

appeal on its own merits based on the evidence before me, against the aforementioned regulations.

Conditions

8. The standard conditions shall be placed on the consent as per Schedule 2 of the 2007 Regulations. The Council's Traffic and Transportation section has requested conditions to control the display imagery and brightness levels. These are agreed by the appellant and a list of model conditions has been provided. They have been amended for clarity. Conditions will therefore be attached to prevent moving imagery and to control the contents of imagery shown; to restrict illumination levels; to control the frequency and transitions of imagery; and to deactivate the screen in the event of a malfunction/disuse. These conditions are reasonable and necessary in the interests of amenity and public safety.

Conclusion and Recommendation

9. For the reasons given above, the appeal scheme should be allowed in the circumstances subject to the conditions set out.

Kim Vo

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the stated conditions.

John Morrison

INSPECTOR