



Appeal Decision

Site visit made on 26 August 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/W2465/Z/25/3369227

67 Chesterfield Road, Leicester LE5 5LH

- 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 Mr Razib Hossain for HyperGlow UK against the decision of Leicester City Council.
 - The application Ref is 20250615.
 - The advertisement proposed is a 1 x 48 sheet gable mounted LED illuminated advertising display unit, measuring 6.4m in width x 3.4m in height and comprising a pressed metal frame and sealed LED screen.
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Decision

1. The appeal is allowed and express consent is granted for the display of a 1 x 48 sheet gable mounted LED illuminated advertising display unit, measuring 6.4m in width x 3.4m in height and comprising a pressed metal frame and sealed LED screen at 67 Chesterfield Road, Leicester LE5 5LH in accordance with the terms of the application, Ref 20250615, dated 2 April 2025. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in Schedule 2 of the 2007 Regulations plus the following additional conditions:
 - 1) The maximum level of luminance of the sign hereby permitted shall not exceed the relevant thresholds contained within the Institute of Lighting Professionals guidance document *PLG05 - The Brightness of Illuminated Advertisements* or any guidance updating or replacing it and shall never exceed 300cd/m² (sunset to sunrise) and 2500cd/m² (sunrise to sunset). The advert shall be equipped with means to constantly monitor ambient light conditions and adjust brightness accordingly.
 - 2) The illumination shall consist of static lighting and static images only. Changes between adverts shall be instant only with no animated, scrolling, sequencing, fading, swiping or merging of images nor directions to drivers at any time. Adverts shall not change more frequently than once every twenty seconds.
 - 3) The advertisement display panel shall have a default mechanism to switch it off in the event of a malfunction, during periods of maintenance and when otherwise not in use.

Main Issue

2. Advertisements are subject to control in the interests of amenity and public safety only. The main issue in this case is the effect of the proposed signage on the visual amenity of the local area.

Reasons

3. The appeal site is a large scale retail warehouse set within a short stretch of intensive commercial development along Chesterfield Road. There is an existing externally illuminated sign in place on the side of the building, facing west-bound traffic and overlooking a retail car park. The proposal is to replace this with a somewhat larger internally illuminated LED sign. The sign, even as enlarged, would take up only a very small percentage of the side elevation of the building so that it would be reasonably proportionate to that structure. Subject to conditions controlling the LED images, it would not look out of place or be intrusive within this busy, well-lit area, in a position where there is already an illuminated advertisement.
4. The Council draws my attention to residential properties further along the road in both directions, and on a side road, suggesting that the area is mixed in character. These are, however, set well away from the proposed sign, which would be seen in an almost wholly commercial context. Likewise, the sign would be far enough away from residential properties that it should not significantly affect neighbours' amenities, again subject to conditions.
5. I conclude that the proposal would not harm visual amenity. It accords with policy CS03 of the Council's Core Strategy and paragraph 141 of the National Planning Policy Framework, which aim to ensure that new developments including signs are well designed. In coming to this conclusion, I note that adopted policies are material factors but are not by themselves decisive factors for decisions under the Advertisement Regulations.
6. In addition to the 5 standard advertisement conditions, conditions are needed to control luminance, the timing and transition of changing images and switching off when not in operational use, to avoid undue distraction to drivers (in the interest of public safety) and visual intrusion (in the interest of amenity).
7. There has been some discussion over the appropriate level of illuminance for the sign. The Council's suggested condition aligns with the Inspector's decision in the latter of 2 other appeals' decisions¹ referenced by the Council. This appears to be more restrictive than the maximum level indicated by PLG05 but seems to represent a reasonable compromise between visibility, amenity and highway safety here.
8. The appellant also suggests that a condition could be imposed to prevent illumination of the sign between 23:00 and 07:00 hours, to reduce the impact on neighbours. I do not consider this to be necessary, given the separation distance and context, noting that the Council does not suggest such a condition.
9. For the reasons set out above, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

¹ APP/W2465/Z/21/3269579 and APP/P4605/H/23/3315052