



Appeal Decision

Site visit made on 3 July 2025

by **K Reeves BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/X0415/H/25/3359843

Esso, Amersham Road, Chesham, Buckinghamshire HP5 1NG

- 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 Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/24/3315/AV was approved on 17 December 2024 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is 1 internally illuminated double-sided D6 (digital advertisement) screen.
 - The condition in dispute is No 1 which states that: *This consent is granted for a limited period of five years from the date of this decision notice. At the expiration of this period the advertisement hereby permitted shall be removed from the site, unless a further consent has already been obtained from the Local Planning Authority for its retention.*
 - The reason given for the condition is: *To enable the Local Planning Authority to review the effect of this advertisement on its setting in the light of changing circumstances, and to comply with the provisions of Regulation 14 (7) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.*
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Decision

1. The appeal is allowed and the express consent Ref PL/24/3315/AV for 1 internally illuminated double-sided D6 (digital advertisement) screen at Esso, Chesham, Buckinghamshire, HP5 1NG granted on 17 December 2024 by Buckinghamshire Council - East Area (Chiltern) is varied by deleting condition 1 and substituting for it the following condition:
 - 1) The express consent hereby granted shall expire at the end of a period of five years.

Preliminary Matter

2. Powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) are exercised in the interests of amenity and public safety. I have taken account of policies in the development plan for the area, so far as they are material, along with other relevant factors.

Main Issue

3. The main issue is the effect of the consented advertisement on amenity and public safety, should the condition be varied.

Reasons

4. Disputed condition 1 sets out that the express consent for the consented advertisement is limited to a period of five years. Additionally, the condition requires the removal of the sign upon the five year period expiring. The appellant is seeking to delete the latter stipulation from the condition.
5. Express consent for advertisements usually lasts for five years, unless consent has been granted for a longer or shorter period. After the expiry of the express consent, the advert would typically gain deemed consent under Class 14 in Schedule 3 of the Regulations.
6. The Planning Practice Guidance advises that a condition should never be imposed because the local planning authority wishes, as a matter of general policy, to prevent the operation of Class 14 in Schedule 3 in their area.
7. The reason for attaching the disputed condition, as stated on the decision notice, is to review the effect of this advertisement on its setting in the light of changing circumstances. As such, rather than attaching the condition as a matter of general policy, the condition has been imposed for a site-specific reason, which is to avoid the proliferation of advertisements causing visual clutter.
8. However, when the advert has gained deemed consent, if the Council concludes that the consented advert is causing substantial injury to the amenity of the locality or a danger to members of the public, then the Council has the option to serve a discontinuance notice under the Regulations. Furthermore, having regard to the nature of the consented advertisement, there is no evidence before me that the advertisement would have any greater effect on amenity or public safety following the expiry of five years.
9. For these reasons, the requirement of disputed condition 1 to remove the advert after a period of five years is not necessary or reasonable to protect amenity and public safety, and the variation of the condition to delete that requirement would not materially harm amenity or public safety.

Conclusion

10. For the reasons given above, the appeal should be allowed, and the advertisement consent varied in the terms I have explained.

K Reeves

INSPECTOR