



Appeal Decision

Site visit made on 28 August 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/D0121/H/25/3361072

Land adjacent to 1-3 New Bristol Road, Worle BS22 6AD

- 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 North Somerset Council.
 - The application Ref 24/P/2548/ADV was approved on 9 January 2025 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is erection of a D6 small format advertisement display.
 - The condition in dispute is No. 8 which states that: *The illuminated sign hereby permitted shall not be illuminated between the hours of 00:00 hours and 06:00 hours unless otherwise agreed by the Local Planning Authority in writing.*
 - The reasons given for the condition is: *To protect the visual amenity of the area and the living conditions of nearby residents in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and in accordance with paragraph 141 of the National Planning Policy Framework, policies CS3 and CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1) .*
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Decision

1. The appeal is allowed and the express consent Ref 24/P/2548/ADV for erection of a D6 small format advertisement display at land adjacent to 1-3 New Bristol Road, Worle BS22 6AD granted on 9 January 2025 by North Somerset Council is varied by deleting condition 8 and substituting it with the following condition:

“In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum nighttime luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².”

Background and Main Issue

2. The Council granted consent for an advertisement display subject to conditions, one of which requires it not to be illuminated between the hours of midnight and 6:00am. The reason for this condition was to protect visual amenity and living conditions of nearby residents, as surrounding streetlights as well as the lights to the adjacent petrol filling station are already dimmed between these hours.
3. The appellant seeks to vary the express consent by removing this condition. Accordingly, the main issue is whether the condition is reasonable and necessary in the interests of amenity.

Reasons

4. The advertisement display would be located within the grounds of a petrol filling station (PFS) that includes a convenience store, a car wash facility, an automated teller machine and parcel collection/drop off hubs. There are a variety of illuminated and non-illuminated advertisements associated with these within the grounds of the PFS. The advertisement display would be smaller than some of the other advertisements at the PFS.
5. The surrounding area is predominantly residential, with houses set back from New Bristol Road and behind a grass verge.
6. I understand that a run of streetlights along New Bristol Road, including 2 directly adjacent to the PFS, are currently dimmed between the hours of midnight and 6:00am. The PFS has consent¹ to open 24 hours a day, with the retail shop not to open between 10:00pm and 06:00am, and the car wash to operate between the hours of 08:00am to 9:00pm on Mondays to Saturdays and between the hours of 09:00am to 08:00pm on Sundays and Bank Holidays. Condition 7 of this consent requires the lights on the site to be dimmed between midnight and 06:00am and switched off when not required. The reason for this condition is to protect living conditions of nearby residents from noise and disturbance, and to promote energy saving.
7. There are no details before me regarding the level of luminance of the streetlights and the lights at the PFS when they are dimmed. It is also not clear if reference to the lights at the PFS also relates to the illuminated adverts on the premises.
8. The proposal would be digital and would have a maximum standard luminance that does not exceed 300cd/m² at night-time, which is inline with the guidelines by the Institute of Lighting Professional.
9. The Council is concerned that the advertisement display being illuminated between the stated hours would introduce additional light and unwelcome light pollution in an area subject to limited lighting at certain times of the day. However, I am not persuaded that its small size and positioning on an existing commercial forecourt, as well as its orientation and distance from surrounding residential properties at a luminance level that is in accordance with industry guidelines in such an urban location, would unacceptably harm the visual amenity of the area nor the living conditions of nearby residents.
10. I note that the Council states that there has been no challenge to the existing lighting restrictions at the PFS, though I must assess this appeal on its individual merits.
11. Whilst there is concern that the appellant's claimed benefits associated with the proposal would be minimal during the stated hours, advertisements are subject to control only in the interests of amenity and public safety.
12. Therefore, I conclude that the disputed condition is neither reasonable nor necessary in the interest of amenity. I have taken into account Policies CS3 and CS12 of the Core Strategy and Policy DM32 of the Development Management Policies Sites and Policies Plan Part 1. Together these policies seek, amongst other things, development that would mitigate environmental pollution or harm to

¹ Planning Permission Ref: 12/P0423/F

amenity, including by the imposition of planning conditions, and has considered the existing context, and so is material in this case. Given I have concluded that the proposal would not harm amenity, the proposal would not conflict with these policies.

Conditions

13. I have considered the conditions suggested by the appellant to control the operation of the digital display, in light of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG). Where appropriate, the wording from that proposed by the appellant has been amended for clarity.
14. There is nothing before me, including comments from the Council, that convinces me the suggested conditions relating to static images, changes between adverts, and frequency are necessary to the proposal in this particular case. In terms of restricting luminance levels, I consider these meet the tests in the Framework and the 'Use of Conditions' section of the PPG.

Conclusion

15. For the above reasons, the appeal is allowed and I vary the express consent as set out in the formal decision.

P Barton

INSPECTOR