



Appeal Decision

Site visit made on 4 September 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Appeal Ref: APP/C3430/H/25/3361527

PFS, Watling Street, Gailey, Staffordshire ST19 5PR

- 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 South Staffordshire District Council.
- The application Ref 24/00883/ADV was approved on 8 January 2025 and express consent was granted for the display of an advertisement subject to conditions.
- The advertisement permitted is the erection of two freestanding small format advertising displays.
- The conditions in dispute are Nos 1 and 5 which state that:
 - 1) This consent relates only to the advertisement display located to the eastern exit of the forecourt as shown on the approved drawings and site plan references 23865/PA/04 (all received 08/10/24). It does not grant consent for the advertisement display located on the western site entrance as shown on said plans.
 - 5) The advertisements shall not be illuminated between the hours of 22.00 hours and 06.00 daily.
- The reasons given for the conditions are:
 - 1) In order to define the permission and to avoid doubt. Consent for the western advertisement board located on the entrance to the forecourt is refused as it is considered to be poorly placed located on an exposed part of the forecourt and within the setting of residential dwellings. The above signage consequently would be unduly intrusive on the visual amenity of the area and therefore conflicts with Local Plan Policy EQ11 and the guidance contained within chapter 12 of the NPPF.
 - 5) To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

Decision

1. The appeal is allowed and the grant of consent to display an advertisement at PFS, Watling Street, Gailey, Staffordshire ST19 5PR granted on 8 January 2025 by South Staffordshire District Council is varied by deleting conditions 1 and 5.

Background and Main Issue

2. Express consent has been granted for an advertisement at a petrol filling station. The application sought consent for two advertisements however condition 1 essentially grants consent for one of these, but not the other. The appeal seeks to remove this condition which would have the effect of allowing both the advertisements to be displayed.
3. The appeal also seeks to remove condition 5 of the consent which requires that the advertisements are not illuminated between the hours of 22:00 and 06:00 daily.

4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework and PPG all make it clear that advertisements should be subject to control only in the interests of amenity and public safety. The reasons given for the conditions relate to the effect on the visual amenity of the area.
5. The main issue therefore is whether the conditions are reasonable and necessary having regard to the visual amenity of the area.

Reasons

Condition 1

6. The appeal site comprises an existing petrol filling station located on the north side of Watling Street (the A5). The area is mixed in character comprising some small-scale commercial uses and a small number of residential properties set in amongst open fields.
7. The site contains fuel pumps covered by a canopy structure and an adjacent retail unit. Other incidental development exists within the site such as parcel collection locker, Cash Machine, tanks and air and water points. There are numerous existing advertisements at the site including banner signs attached to fences, fascia signs attached to the shop, freestanding signs and coffee cup shaped advertisements. There is also a large, illuminated totem sign adjacent to the pavement at the frontage of the site to the south of the shop. As such the appeal site represents a distinctly commercial element in the street scene.
8. The disputed condition effectively refuses consent for one of two proposed new advertisements. The refused advertisement would be located towards the southwest corner of the appeal site. The proposed advertisement would comprise a digital display panel set within a free-standing metal structure some 2.4m high and 1.23m wide.
9. The proposed signage would be seen within the commercial context of the petrol station. Existing signage and structures are more concentrated within the central and eastern part of the appeal site. However, it is clearly apparent that the western side of the appeal site, including the concrete area where the sign would be located is part of the commercial site. Therefore, the proposed advertisement would not appear incongruous in this context.
10. The proposed advertisement is not excessive in scale and would not be significantly taller than the existing adjacent fence. As such, on approach from the west, the majority of the sign would be concealed by the fence and would be seen against the backdrop of the petrol station. The digital display panel would only be visible on approach from the east at which point motorists would have recently passed commercial development and other signage. Therefore, it would not appear intrusive in the street scene.
11. Part of the structure, but not the display panel itself, would be visible above the existing fence from within the adjacent dwelling. However, given the relatively modest size of the structure and the distance from the windows of the adjacent dwelling, the sign would not be prominent or imposing in the outlook of occupiers from this property.

12. I therefore find that condition 1 is not reasonable or necessary, having regard to the visual amenity of the area.

Condition 5

13. The disputed condition requires that the advertisements shall not be illuminated between the hours of 22:00 and 06:00 daily. However, I noted at my site visit that the petrol station operates 24 hours a day, 7 days a week. As such, during the hours in question the forecourt would be lit, and sections of the canopy illuminated. The signs would be seen in the context of this lighting and the comings and goings of cars during this overnight period and as such would not appear excessively prominent or incongruous.
14. The sign to the west of the site would face away from the adjacent dwelling and at the proposed level of illumination, light spillage would not occur beyond the western boundary of the site. The area in front of the sign within which light spillage would occur would be near to the vehicular entrance to the site which would be lit by the adjacent streetlight in any event. As such the overnight illumination of the advert to the west of the site would not result in harm to the living conditions of occupiers of the neighbouring property.
15. Given the relatively localised impact of the proposed illumination and the well-lit commercial context of the proposed signage, I consider that the nighttime illumination of the proposed advertisements would not result in harm to the visual amenity of the area. As such I find that condition 5 is not reasonable or necessary, having regard to the visual amenity of the area.

Conclusion

16. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed conditions.

E Pickernell

INSPECTOR