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## Appeal Decision

Site visit made on 15 September 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 30 September 2025**

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**Appeal Ref: APP/A1015/Z/25/3371711**

**317 - 319 Sheffield Road, Whittington Moor, Derbyshire S41 8LQ**

- 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 P Hardy on behalf of V2 LED Limited against the decision of Chesterfield Borough Council.
  - The application reference is CHE/25/00378/ADV.
  - The advertisement proposed is a LED illuminated portrait 16-sheet advertisement 1.92m wide x 2.8m high.
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### Decision

1. The appeal is allowed and express consent is granted for the display of a LED illuminated portrait 16-sheet advertisement 1.92m wide x 2.8m high at 317 - 319 Sheffield Road, Whittington Moor, Derbyshire in accordance with the terms of the application, reference CHE/25/00378/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
  - 1) The advertisement hereby permitted shall be installed in accordance with the following approved plans: SRC2 Location Plan, SRC 2 Site Plan, SRC6 Scaled Elevation Drawing and SCRB3 Specification Drawings Cross Section.
  - 2) The maximum level of illumination shall be no more than 300 c/m<sup>2</sup> during hours of darkness and 600 c/m<sup>2</sup> during daytime hours. The level of luminance of the advertisement display shall be controlled by means of ambient environmental control sensors that measure ambient light levels and automatically control the perceived brightness to within the limits set by this condition.
  - 3) Notwithstanding the above condition, the panel illumination shall be switched off or revert to a black screen between 22.00 and 07.00 hours the following day.
  - 4) The approved display must contain at all times a feature that will turn off the screen (i.e. show a black screen) in the event that the display experiences a malfunction or error.
  - 5) No individual advertisement on the digital screen shall contain moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals. There shall be a smooth and uninterrupted transition from one image to another. Transitions shall be instantaneous and no individual advertisement shall be displayed for a duration of less than 10 seconds.

## **Main Issue**

2. The main issue is the effect on amenity.

## **Reasons**

3. The council accept that this site is located within a mixed commercial and residential area and that the display of advertisements is acceptable in principle, provided that they are appropriately located, acceptable in design and scale and do not adversely affect the visual amenity of the area. The council goes on to explain that there are a variety of signs in the locality both on business premises and free-standing on forecourts. Large scale, standalone digital displays are not currently a feature of the area but two such signs have been allowed nearby on appeal.
4. There has also been an appeal relating to this building which was dismissed in February 2025 (APP/A1015/Z/24/3355689). The inspector identified that there is a multitude of advertisements in this section of the road. The advertisements have various sizes and forms and most of them relate directly to the respective business operation concerned. It was also found that, notwithstanding the presence of the Football Stadium and the Glass Yard development within proximity of the appeal site, the smaller scale two-storey buildings, which include the appeal property, are those that dictate the immediate context of the site.
5. That appeal related to a much larger illuminated advertisement with the inspector advising that it would occupy a considerable proportion of the gable wall and would appear particularly dominant when viewed against the scale of the two-storey buildings. Accordingly, despite the commercial nature of the appeal site, due to a combination of its location, size and illumination, the inspector found that the advertisement would appear as a highly prominent feature which would have a visually intrusive and cluttering effect. It was found that its size would make it noticeably larger than most of the other commercial advertising in the immediate area and significantly more prominent due to the method of illumination and the nature of multiple static advertisements on rotation.
6. This proposal would be significantly smaller than the advert of the dismissed appeal, extending across less than a third of the width of the gable of the property and being set down below the eaves and above the height of the ground floor windows of the front elevation. The illuminated changing images would stand out but I am mindful that it has been suggested that the illumination would be turned off between 10pm and 7am. With this in mind, given its limited size, its lesser dominance due to it covering a smaller area of the gable and having regard to the local commercial context, although more prominent and noticeable than the existing signage that it would replace, it would not result in unacceptable harm to local amenity.
7. I am mindful that the two larger displays that have been allowed to the south would result in three LED signs along this section of road. However, although the sign associated with the football stadium would be relatively close, the three would be sufficiently separated so as not to result in greater harm as a result of their cumulative impact.
8. The Regulations, the National Planning Policy Framework 2024 and the Planning Practice Guidance require that decisions are made only in the interests of amenity and public safety and therefore, the council's policies cannot be decisive. Although

not determinative, there would not be conflict with the design expectations of policy CLP20 of the Chesterfield Borough Local Plan 2020. As I have not identified harm with regard to amenity and subject to conditions, there would be no highway safety concerns, I allow the appeal.

9. The Regulations impose five standard conditions and in addition, further conditions to limit the hours of use, control luminance and the nature of the displayed images are necessary in the interests of highway safety and amenity.

*Peter Eggleton*

INSPECTOR