



Appeal Decision

Site visit made on 2 October 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2025

Appeal Ref: APP/X5990/H/25/3364971

Payphone site outside 38 Edgware Road, City of Westminster, London W1H 7EP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the 2007 Regulations) against conditions imposed when granting express consent.
- The appeal is made by Mr Nathan Still (In Focus Public Networks Limited) against the decision of the Council of the City of Westminster.
- The application Ref 25/01192/ADV was approved on 15 April 2025 and express consent was granted for the display of an advertisement subject to conditions.
- The advertisement permitted is display of internally illuminated LCD portrait screen measuring 1.065m x 1.985m.
- The condition in dispute is additional condition No 1 which states that: *You can display the advert for five years from the date of this letter. You must then remove it without delay.*
- The reason given for the condition is: *So that we can assess the effect of the advert and make sure it meets policy 24, 25, 38, 39, 43 of the City Plan 2019-2040 (April 2021).*

Decision

1. The appeal is allowed and the express consent Ref 25/01192/ADV for the display of internally illuminated LCD portrait screen measuring 1.065m x 1.985m at payphone site outside 38 Edgware Road, City of Westminster, London W1H 7EP, granted on 15 April 2025 by the Council of the City of Westminster, is varied by deleting additional condition No 1.

Preliminary Matters

2. The 2007 Regulations and the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to control only in the interests of amenity and public safety. Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement appeals. Even so, relevant development plan policies can be taken into account as a material consideration in advertisement appeals, and this is the basis on which I have determined the appeal.
3. Evidence before me indicates that the City of Westminster City Plan 2019-2040 is currently the subject of a partial review, and examination of it has commenced. However, I have limited information before me on the precise stage at which the examination has reached, the level of unresolved objection that there may be to it, which policies are the subject of the review and the degree of consistency of those policies with the content of the Framework. Moreover, no particular policies the subject of the review have been drawn to my attention by the appeal parties. In such circumstances, the partial review of the City of Westminster City Plan 2019-2040 is a matter of very limited weight in my decision.

Background and Main Issue

4. The advertisement consent the subject of the appeal was granted subject to 6 additional conditions as well as the standard 5 conditions. Additional condition No 1 sets out that the consented advertisement shall only be displayed for 5 years from the date of consent, after which it must be removed. The appellant considers the requirement to remove the advertisement after 5 years to be unreasonable and unnecessary.
5. Accordingly, the main issue is whether the disputed condition is necessary or reasonable, having regard to the requirements of the 2007 Regulations.

Reasons

6. Situated on Edgware Road, the appeal site is within a highly commercialised area. Many advertisements are positioned on the area's commercial premises whilst, within close proximity to the appeal site, Edgware Road is adorned with street furniture with the likes of streetlights, traffic lights, bins and electrical cabinets all in place. Close-by to the appeal site there are also other freestanding digital displays and communication hubs in situ on the pavement. As a result of this combination of factors, the local area exhibits a very vibrant character and is visually a lively place.
7. The appeal site is not within it, but the Portman Estate Conservation Area (the CA) is situated close-by. The CA exhibits a planned and formal hierarchy of streets and squares which house coherent blocks of properties of traditional design. The CA also encompasses parts of Edgware Road and Oxford Street, and here it exhibits a commercial character. The significance of the CA is principally derived from its architectural and artistic interest.
8. Owing to the digital nature of the display, the advertisement would not be very recessive, and it would have some prominence. However, in considering the acceptability of the visual effects of digital advertisements the context within which they are situated is key. In this case, because of the character of the local area, the advertisement would not be harmfully strident, nor would it appear out of keeping with the area. Instead, the advert would be another feature which contributes to the vitality exhibited locally, and it would do so in an appropriate rather than an unsympathetic way. The advertisement would appropriately assimilate into its context, and it would cause no harm to the significance of the CA. In addition, having granted express consent, the Council has accepted the effects of the advertisement, albeit for a specified period.
9. Since it would be situated within a location with such a commercial character, the advertisement would not appear incongruous. This will ensure highway users are not distracted. I have no reason to conclude that the advertisement would in any way impair drivers' views or confuse them. Furthermore, other conditions imposed on the advertisement consent which are not in dispute include those which would control the images displayed to ensure that they are not distracting. For these reasons the advertisement would be safe.
10. Additional condition No 1 removes the appellant's right, via Class 14 in Schedule 3 of the 2007 Regulations, to continue to display the advertisements under deemed consent that would otherwise apply after the expiry of the express consent. Additional condition No 1, with its requirement to remove the

proposed advertisement, is not one of the standard conditions to which all advertisements are subject to under the provisions of the 2007 Regulations.

11. The Planning Practice Guidance (the PPG) advocates the rigorous application of the tests for the imposition of conditions. In specific regard to advertisements, the PPG sets out that if a local planning authority decides to impose conditions that are additional to the standard conditions, these must be supported by specific and relevant planning reasons. The PPG specifically states that conditions should never be imposed because the local planning authority wishes, as a matter of general policy, to prevent the display of the advertisements under deemed consent following the expiry of the express consent.
12. In this context, for the disputed condition to be necessary and reasonable, I find that firm evidence and convincing reasoning of why the consented advertisement would be unacceptable at the end of the specified 5-year period is required.
13. I have very limited information before me in relation to the street improvements and evolving streetscape cited by the Council. This includes no substantive evidence in relation to what the cited works entail, the likelihood of them coming into fruition or any implementation timescales. Furthermore, should the cited works occur, I have no convincing evidence before me as to why the consented advertisement would be very likely to become incompatible with them and unacceptable on either amenity or public safety grounds.
14. For the above reasons, I conclude that there is no firm evidence or convincing reasoning which supports the case that the consented advertisement would become unacceptable at the end of the specified 5-year period and which justifies that the right to display the advertisement under deemed consent should be withheld.
15. In coming to the above views, I have taken into account Policies 24, 25, 38, 39, 40 and 43 of the City of Westminster City Plan 2019-2040. Amongst other matters, these Policies seek to ensure sensitive design which contributes positively to Westminster's townscape, the conservation of heritage assets and safe and uncluttered streets. Therefore, these Policies are material in this case and, given I have concluded that the display of the advertisement beyond the specified 5-year period would not harm amenity or public safety, the display of the advertisement beyond the 5 years cited by additional condition No 1 is compliant with them.
16. As a result, the disputed condition is not necessary or reasonable, having regard to the requirements of the 2007 Regulations. The appellant has suggested that additional condition No 1 should be varied to remove the sentence "You must then remove it without delay". As Regulation 14(7)(b) of the 2007 Regulations automatically limits advertisement consent to 5 years, retaining the first sentence of additional condition No 1 as suggested would duplicate the 2007 Regulations and would serve no meaningful purpose. As such additional condition No 1 should be removed rather than varied.

Conclusion

17. For the reasons given, I conclude that the appeal should be allowed and the express consent be varied to remove additional condition No 1.

H Jones

INSPECTOR