



Appeal Decision

Site visit made on 7 October 2025

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2025

Appeal Ref: APP/B2002/H/25/3369536 196 Waltham Road, Grimsby DN33 2PZ

- 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 East Lincolnshire Council.
- The application Ref DM/0294/25/ADV was approved on 3 June 2025 and express consent was granted for the display of an advertisement subject to conditions.
- The advertisement permitted is 1 freestanding internally illuminated digital screen.
- The condition in dispute is No 3 which states that:
 - (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - (ii) No advertisement shall be sited or displayed so as to-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
 - (vi) The intensity of the illumination of the advertising unit permitted by this consent shall at all times accord with the thresholds set out in the Institute of Lighting Professionals publication "Brightness of Illuminated Advertisements"(PLG05:2015) and in particular the intensity of illumination from dusk until dawn shall not exceed 300cd m2.
 - (vii) The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermitted or video elements) of any kind, during or after the display of any advertisement.
 - (viii) The sequencing of messages relating to the same product is prohibited.
 - (ix) The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
 - (x) The advertisement shall avoid the use of phone numbers, web addresses and any advertisements that require excessive concentration to assimilate the information.
- The reason given for the condition is: To comply with Regulation 14 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

Decision

1. The appeal is allowed and advertisement consent Ref DM/0294/25/ADV for 1 freestanding internally illuminated digital screen at 196 Waltham Road, Grimsby DN33 2PZ granted on 3 June 2025 by North East Lincolnshire Council is varied by deleting part (x) from condition 3 to read;

- 3
- (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - (ii) No advertisement shall be sited or displayed so as to-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
 - (vi) The intensity of the illumination of the advertising unit permitted by this consent shall at all times accord with the thresholds set out in the Institute of Lighting Professionals publication "Brightness of Illuminated Advertisements"(PLG05:2015) and in particular the intensity of illumination from dusk until dawn shall not exceed 300cd m².
 - (vii) The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermitted or video elements) of any kind, during or after the display of any advertisement.
 - (viii) The sequencing of messages relating to the same product is prohibited.
 - (ix) The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.

Procedural Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Background and Main Issue

3. Advertisement consent has been granted for a freestanding digital screen on the forecourt of the appeal site which comprises a petrol filling station. At the time of my visit the digital display was in situ, although it was not displaying any advertisements. I have considered the appeal on the basis that the digital display has already been installed.
4. Although reference is made in the appellant's statement to matters pertaining to illumination and the speed of advert changeover, it is clear that the matter in

dispute relates to part (x) of condition 3 that prevents the display of phone numbers, web addresses and other detail¹. The main issue is therefore whether part (x) of condition 3 is necessary and reasonable in the interests of public safety.

Reasons

5. The advertisement has recently been found to be acceptable by the Council in respect of its effects on amenity and public safety. Condition 3 was discussed by the parties prior to the consent being granted, including specifically part (x) which the appellant agreed to. Nonetheless, the Planning Practice Guidance (PPG) states that any proposed condition that fails to meet one of the 6 tests of conditions² should not be used. This applies even if the applicant suggests or agrees to it. The PPG goes on to advise that if a local planning authority decides to impose conditions on advertisement consents that are additional to the standard conditions, these must be supported by specific and relevant planning reasons³.
6. Criterion (x) was applied to condition 3 at the request of the Highway Authority due to concerns regarding advertisements containing detail that would require excessive eye dwell time to assimilate information. The Council is clear that the advertisement would not prejudice highway safety given its design, position and overall size. Moreover, the Highway Authority is unambiguous in its explanation that the road characteristics in the vicinity of the appeal site do not present particularly challenging conditions for a driver to contend with⁴.
7. I am advised that a speed indicator device (SID) has been installed nearby because of the non-compliance of drivers with the 30mph speed limit along this section of Waltham Road. Speeding thus appears to be a pre-existing issue. There is no suggestion in the information before me that it is occurring because of signage at the appeal site. Neither have I been presented with any evidence that there have been any personal injury collisions arising as a result of the speeding issues, such that this section of Waltham Road could be deemed dangerous.
8. The position of the digital display is such that it is directed to users of the petrol station forecourt where drivers would be on private land either stationary at the pumps, or moving slowly to negotiate into, out of and around the site. Although the display may be visible to drivers heading north along Waltham Road it is angled slightly away such that it is unlikely to be particularly distracting to drivers focused on the road ahead. Likewise, the display is set back behind the line of sight for drivers exiting right out of Wood Close. Although the road adjacent the appeal site is not straight, I nonetheless agree that its characteristics are not particularly complex so as to require a heightened degree of concentration.
9. There is already a proliferation of static advertisements on the forecourt of the appeal site. A number of the signs contained text or images of fine detail that would require a more detailed look to assimilate the information. There is no evidence to suggest that this existing signage whether authorised or not, has caused harm to public safety.
10. I am mindful that neither the Council nor Highway Authority objected to the digital display and the variance between the permitted scheme without part (x) of

¹ As explained at paragraph 1.3 of the appellant's statement.

² Paragraph: 003 Reference ID: 21a-003-20190723 of the PPG.

³ Paragraph: 034 Reference ID: 18b-034-20140306.

⁴ As stated within the Highway Authority consultation response to planning application DM/0294/25/ADV.

condition 3 would be little different. There is no convincing evidence to demonstrate that even if the digital advertisements were to contain detail such as phone numbers and web addresses, that they would be prejudicial to public safety including pedestrians or vehicles, in this particular context.

11. Therefore, I find that part (x) of condition 3 is neither reasonable nor necessary, having regard to the requirements of the Regulations and the tests for conditions. Its removal would not have a harmful effect on public safety.

Conclusion

12. For the above reasons, the appeal is allowed and I vary the express consent by deleting part (x) of the disputed condition.

M Clowes

INSPECTOR