



Appeal Decision

Site visit made on 2 November 2025

by **A Hartley, LLB (Hons), Solicitor, MBA**

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/F0935/Z/25/3373975

Land Opposite 5 Derwent Drive, Workington CA14 3YW

- The appeal is made under Regulation 17 of the Town and Country Planning Act (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Cumberland Council.
 - The application Ref ADV/2025/0006.
 - The advertisement proposal is for the erection of one digital display advertisement.
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Decision

1. The appeal is allowed and express consent is granted for the display of one digital display advertisement as applied for. 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) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent.
 - 2) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night time 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.
 - 3) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 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.
 - 4) Unless otherwise permitted, the minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.
 - 5) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display shall

include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

Preliminary Matters

2. The Council's reason for refusal refers to the proposal conflicting with its development plan. However, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the development plan into account insofar as it is relevant, and the National Planning Policy Framework (the Framework), they have not been decisive considerations in my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposal on amenity and public safety.

Reasons

Amenity

4. Planning Practice Guidance (PPG) at paragraph 079¹ acknowledges that "amenity" is not defined in legislation, but states that it includes the effect on visual amenity in the immediate neighbourhood where passers-by will be aware of the advertisement. The existing character of the immediate area should therefore be assessed to determine the level of impact caused by the proposal.
5. The proposed advertisement would be situated on a grassed area on the western side of Derwent Drive opposite a retail and industrial park. The display would face north and would be visible to southbound road users along Derwent Drive. The western side of Derwent Drive is verdant in character, with mature woodland trees and grass verges.
6. There is an existing south facing digital display advertisement on the grassed area sited approximately 50 metres from the appeal site. This is visible to northbound road users along Derwent Drive.
7. The proposed digital display would be close to the existing digital advertisement. However, it would face the opposite direction of travel along Derwent Drive and therefore the digital displays would not be seen within the same vista by highway users, other than from two individual industrial access points opposite the grassed area.
8. The site is also screened to an extent by the mature trees and bushes from the direction of the retail park vehicular entrance to the Dunelm car park, so that the eye would be drawn to the existing advertisement and not the proposed advertisement from this direction.
9. The woodland trees that would form the backdrop to the proposed advertisement are included within a Woodland Tree Preservation Order and designated as Green Infrastructure for the purposes of local plan policy. The trees are therefore highly likely to be retained and in any event the trees are not proposed to be removed as part of the appeal proposal.

¹ Planning Practice Guidance - Advertisements Guidance 22 July 2019

10. Due to the extent of screening from trees and the separation and positioning of the two digital displays in opposite directions, I do not consider there would be unacceptable harm to amenity by way of cumulative visual clutter from the northbound approach. Although the western side of the road is verdant, the grassed area along the road side is nevertheless associated with the retail and industrial character of the immediate area, where large industrial and commercial buildings and associated signage are a predominant feature. The proposal would not appear out of character or incongruous when viewed from the southbound approach or the industrial premises opposite. Thus, the proposal would not cause harm to the amenity of the area.
11. Whilst not determinative, I have considered, so far as relevant, Policies S2 and DM11 of the Allerdale Local Plan Part 1 (2014). These policies, amongst other things, seek to ensure proposals respect and make a positive contribution to their surroundings. For the same reasons, there is also no conflict with these policies.

Public Safety

12. The Council's reason for refusal cites harm to public safety. I note that there are a number of accesses and the entrance to the retail park along Derwent Drive. On site, I noted the proposed single sided advertisement would face away from the mini roundabout at the access to the retail park. It would therefore not be unduly distracting to those road users at the mini roundabout. To ensure southbound road users approaching the mini roundabout are not unduly distracted by the proposed advertisement, I agree with the appellant and the Highway Authority that appropriate conditions to control the level of luminance and ensure the display is static would be necessary.
13. Furthermore, I have had regard to and attached considerable weight to the fact that specialist highway professionals (Highway Authority and the Report of Astute Transport Planning) conclude that there would be no harm to road users in respect of the static digital display proposed, subject to appropriate conditions.
14. I therefore find the proposal would not have a detrimental effect on public safety subject to conditions to control the level of illumination in accordance with current industry standards and to ensure the display is static.

Conditions

15. I have had regard to the conditions suggested by the Council and the appellant². I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I consider the conditions I have imposed to be necessary in this case to remove undue distraction that may otherwise be caused to road users by unrestricted moving images and illumination from digital displays.
16. The conditions limit movement of the digital image as it is necessary in the interests of highway safety and restrict the level of illumination as it is necessary in the interests of both highway safety and amenity.

² Appellant's Statement of Case Appendix 5 Model Conditions, September 2025

Conclusion

17. For the reasons given above the appeal should be allowed.

A Hartley

INSPECTOR