
Appeal Decision

Site visit made on 28 October 2025

by **S F Barnes MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/T5720/Z/25/3373881

Advertising site to the Rear of Unit 2, Nelson Trading Estate, The Path, London SW19 3BL

- 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 Martin Stephens of JCDecaux UK Limited against the decision of the Council of the London Borough of Merton.
 - The application Ref is 25/P1500.
 - The advertisement proposed is described in the application form as a “single sided 48 sheet internally illuminated sequential advertisement displays as shown in supporting documentation”.
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Decision

1. The appeal is allowed and express consent is granted for the display of the single sided 48 sheet internally illuminated sequential advertisement display at Advertising site to the Rear of Unit 2, Nelson Trading Estate, The Path, London SW19 3BL in accordance with the terms of the application, Ref 25/P1500, dated 14/05/2025. The consent is for 10 years from the date of this decision and is subject to the 5 standard conditions set out in Schedule 2 of the 2007 Regulations and the non-standard additional conditions in the attached schedule.

Preliminary Matters

2. There is a discrepancy between the applicant name in the application form and the appellant name in the appeal form. As these both relate to the same company, I have used that of the appeal form. I have also used the address as set out in the appeal form as it more clearly describes the location compared to what was stated on the application form.
3. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach. Therefore, while I have taken account of the policies and guidance that the Council considers to be relevant, these have not been decisive in my determination of this appeal.

Main Issue

4. The Council’s reason for refusal relates specifically to matters of public safety. No objection was raised by the Council on the grounds of amenity and I find no reason to take a different view on that matter. Therefore, the main issue is the effect of the proposed advertisement on public safety.

Reasons

5. The PPG states that advertisements in locations where drivers need to take more care, including junctions, are more likely to affect public safety. In general, it advises that there is less likely to be an issue in this regard if the advertisement is on a site within a commercial or industrial locality. It goes on to describe the main types of advertisement which may cause danger to road-users, including those which impair sight-lines and those which confuse or dominate their view. For internally illuminated signs, it cautions against displays of a size or brightness which could result in glare and dazzle, or distract road-users, particularly in misty or wet weather.
6. The appeal site is at the outer perimeter of an industrial estate and close to the back-edge of a footway on Morden Road. There are established trees close to the rear of the site, on adjoining land, which act to screen much of the rear of the site from view. The site adjoins a five-lane stretch of highway close to the junction with Merantun Way.
7. Despite a mixture of uses in the wider area, including residential uses, this immediate part of Morden Road has a clear commercial character with large industrial units prominent in the streetscene. Accordingly, this is an area where the PPG indicates advertisements are less likely to raise public (highway) safety concerns.
8. The proposed display would replace a long-standing, internally illuminated hoarding in the same location. There is no dispute between the main parties that the proposal would be of a similar scale to the existing hoarding, albeit the proposed display would be digital and the base of the advertisement panel positioned slightly higher above the ground compared to the existing. Minor changes to cladding on the supporting structure are not objected to by the Council.
9. Like the existing hoarding, the proposed display faces south-bound traffic on Morden Road. This traffic approaches the site along a straight stretch of road leading up to a signal-controlled junction with a pedestrian crossing, ahead of which traffic divides into two lanes: one for left turns and one for traffic proceeding straight along Morden Road.
10. I accept that a digital sign is likely to have more even and constant illumination across its surface in hours of darkness than the backlit technology currently in place at the site. However, the display would not appear suddenly in the view of approaching road-users and would not prove to be a surprise in this respect. Although the highway authority has suggested that the display would be larger than average, it would remain a similar scale to the existing hoarding.
11. I carried out my site visit in non-daylight conditions with good visibility. Although only providing a snapshot in time, I observed that the highway, the junction and adjoining footways were generally well-lit on the approach to the sign. I am satisfied that an illuminated digital display at this location would not be unduly prominent at night, subject to controls to prevent dazzle or glare.
12. The proposal would be set well-away from directional signs and the traffic lights, with minimal effect on forward visibility approaching the junction. There is no substantive evidence before me which would suggest that this is a particularly hazardous or complex junction that is unduly demanding on the attention of drivers

and other road-users. I therefore find that the proposal would not impair sight lines or dominate or confuse the view for road-users.

13. Subject to the conditions I have imposed, set out in more detail below, the proposal would not be materially more distracting than the existing hoarding, as raised by the Council and interested parties, including the highway authority.
14. Concluding on this main issue, the proposed advertisement display would not harm public safety. Insofar as they relate to this appeal, I find no conflict with Policy T2 of the London Plan 2021 or with Policies D12.7 and T16.3 of the London Borough of Merton's Merton Local Plan 2024 to 2037/38. In summary, these policies seek to manage and mitigate impacts on the transport network and the siting of advertisements, including by maintaining highway sightlines and ensuring illumination is unobtrusive.
15. Reference has been made to The Mayor's Transport Strategy 2018 and Vision Zero aspirations in the Council's decision notice. However, neither of those documents, nor their status, are before me. I have not, therefore, taken them into account in my assessment of the appeal.

Other Matters

16. An interested party has raised concern about the effects of the proposal, particularly in terms of levels of illumination, on their living conditions at a nearby dwelling and on wildlife in the area. However, there is no dispute between the Council and appellant on those matters. Based on the evidence before me, including my site observations, I see no reason to take a different view. Those matters do not lead me to an alternative conclusion on the main issue.
17. Determining whether artificial lighting used in an advertisement display constitutes a statutory nuisance falls outside of the remit of a planning appeal under the 2007 Regulations. This would be a matter for the Council.

Conditions

18. The Council has recommended a condition limiting the consent to a 5-year period, whilst the appellant seeks 10 years. As there is no substantive evidence before me that the display would be unacceptable at the end of the shorter period, I have granted consent for the 10-year period in my formal decision.
19. Along with the five standard conditions for advertisements set out in the 2007 Regulations, the appellant proposes further non-standard conditions. In the interest of public safety, it is necessary to prohibit the display of moving or frequently changing images, ensure instantaneous transitions, and provide a fallback in case of malfunction. I have refined the conditions suggested by the appellant for clarity and precision.
20. Both the main parties and the highway authority have referred to relevant guidance in a publication by the Institute of Light Professionals (ILP). I agree that controlling illuminance is essential to prevent glare and dazzle to road-users. The display must adjust to ambient light and remain within ILP limits day and night. A condition to ensure that the adjoining road is not blocked during construction, requested by the highway authority, is also necessary for public safety.

21. A suggested condition to time-limit commencement of development is unnecessary as planning permission is not being granted. Express consent is to be granted in accordance with the terms of the application. Suggested conditions defining approved plans, requiring adherence to them and specifying materials would duplicate the terms of my formal decision, so are unnecessary.
22. The Council suggests conditions for tree protection and monitoring. The application material refers to modifying cladding attached to an existing supporting structure and replacement of the display. As there is no substantive evidence that those works would lead to a significant impact to nearby trees, I do not consider these conditions necessary on the evidence before me.

Conclusion

23. For the reasons given, I conclude that the appeal should be allowed.

S F Barnes

INSPECTOR

Schedule of Non-standard Conditions

- 1) No individual advertisements displayed shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
- 2) No individual advertisements shall be displayed for less than 10 seconds and transitions between advertisements shall be instantaneous.
- 3) In the event of malfunction, the display shall default to a black screen to avoid any flashing error messages or pixelation.
- 4) The display panel shall be fitted with a light sensor, designed to adjust brightness in response to ambient light levels.
- 5) The intensity of the illumination of the advertisement display shall comply with the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements PLG05/23 (2023)" during daylight hours (dawn to dusk) and shall not exceed 300cd/sqm during the hours of darkness (dusk to dawn).
- 6) The carriageway on the A24 Morden Road and bus lane on Morden Road shall not be blocked during the construction of the advertisement display.