



Appeal Decision

Site visit made on 11 November 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/U1105/Z/25/3373281

Oakland Service Station, Sidmouth Road, Aylesbeare, Exter, EX5 2JJ

- 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 Wildstone Estates Ltd against the decision of East Devon District Council.
 - The application Ref is 25/1291/ADV.
 - The advertisement proposed is erection of an illuminated D6 small format advertisement display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

1. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement appeals, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 does allow the provisions of the development plan to be taken into account if they are material. The Council refer to policies Strategy 5 and 7 as well as policies D4 and TC7 of the East Devon Local Plan 2013–2031 (EDLP). The strategy policies and policy TC7 relate to new development conserving natural assets, harm in open countryside locations and the adequacy of the road network and site access respectively. As such, they are not directly relevant to the appeal. Policy D4 is material as it relates to the display of advertisements where new signage will be permitted taking into consideration the interests of amenity and/or public safety.
2. Paragraph 141 of the National Planning Policy Framework (NPPF) states that advertisements should be subject to control only in the interests of amenity and public safety. The Council have raised an objection to the proposal on amenity and public safety grounds. The Council's Delegated Report (CDR) also confirms that the appeal site falls within an Area of Special Control for Advertisements. Even so, this designation does not affect the assessment that should be undertaken.
3. The Appellants Grounds of Appeal (AGOA) raises a concern over the lack of engagement at the application stage. That is not a matter I can comment on in the context of this appeal. It remains open to the Appellant, if they have not already done so, to take this matter up directly with the Council.
4. Interested parties have raised a concern over the accuracy of the red line to the application site in the north eastern corner where it abuts the curtilage of Higher Briarcliffe. They contend that the land shown beyond the timber boundary fence, adjacent to the proposed sign, has been transferred to them. I have assumed that

the black line on the Proposed Site Plan (PSP), just to the east of the proposed sign, is to denote this boundary fence. The PSP shows the proposed sign close to the edge of the A3052, broadly in line with the grass verge further east. However, as I observed on site the proposed sign is also close to parking spaces and to a hatched yellow 'Keep Clear' marking, neither of which are shown on the PSP.

5. In addition, the PSP shows the new sign close to the end of the boundary fence and road edge. However, on site, the fence stops well short of the edge of the road. As such, the PPS does not appear to accurately reflect the position on the ground. The PPS also shows the new sign broadly aligned with the grass verge whereas on the CGI it appears to be set back further into the appeal site. It is unclear, therefore, whether the PPS accurately reflects the position on the ground or in relation to the appeal site boundary.

Main Issues

6. The main issues are the effect of the proposed sign on: (a) amenity and (b) on public safety.

Reasons

Amenity

7. Paragraph 79 of the Planning Practice Guidance (PPG) chapter on advertisements states that amenity usually means the effect on visual amenity. It continues by stating that in assessing amenity the local planning authority should consider the local characteristics of the neighbourhood, including important scenic, architectural and historic features, and whether the signage is in keeping or in scale with those features.
8. The appeal site comprises the Oakland Service Station (OSS) located on the southern side of the A3052. As well as a petrol filling station (PFS) it includes a small Londis, Greggs and to the rear a car workshop and dealership. To the east of these building and the PFS is an open car display with canopies and a portable office building. At the time of my site visit, the latter was vacant with the previous tenants having apparently relocated elsewhere.
9. The proposed sign involves the installation of a freestanding internally illuminated D6 small format advertisement display. It would have a height of 2.4 metres, a width of 1.23 metres and a depth of 0.22 metres. It would operate on a 24 hour basis with an illumination level of 300 cd/m² from dusk till dawn and 5,000 cd/m² at all other times. The proposed sign would be located in the north eastern corner of the appeal site adjacent to the access to the residential properties known as Higher Briarcliff and Briarcliff. The Council's Delegated Report (CDR) indicates that it would be sited some 0.8 metres from the edge of the A3052.
10. The size, height, siting and level of illumination (up to 5,000 cd/m²) of the proposed sign would, in my view, be visually prominent and would detract from the visual amenities of the area and in particular the sites open countryside and rural setting. It would be sited close to the north easternmost point of the appeal site, set apart from the cluster of buildings to the OSS and in an isolated location, where there is no similar signage. It would also be adjacent to neighbouring residential properties and would rise high above the boundary fence in this location, which is about 1 metre in height. The proposed digital display would only point westward but when

- approaching in that direction on the A3052 or exiting the OSS, it would be viewed against a green backdrop during the day and a dark backdrop during the night. As such, it would be out of keeping with the character of the surrounding countryside.
11. The proposal would be sited well away from existing illuminated signage that is concentrated around the PFS and the commercial fascia signs on the buildings to the rear. It would not, therefore, be visually connected to or integrated with the existing commercial uses. The Appellant refers to previous signage in this location. However, no signage was present on my site visit and my attention has not been drawn to any consent for similar signage in this location. The elevated brightness of the proposed sign and its siting away from existing illumination would exacerbate the impact it has on amenity, within what is otherwise a low luminance landscape.
 12. In relation to the guidance within the ILP PLG 05/23 '*The Brightness of Illuminated Advertisements*' (BIA Guidance) I note that paragraph 3.6 of the AGOA accepts that the site falls within '*Environment Zone 2 (Rural)*'. The proposed illumination level would appear to exceed those recommended in the BIG Guidance, where the lighting environment is referred to as '*low district brightness*' and examples of locations given include '*sparsely inhabited rural areas*', such as the appeal site. The Appellant contends that there are benefits of the proposed sign. However, my decision must turn on the actual visual impact of the advertisement, which for the reasons outlined above I consider results in harm to this rural location.
 13. The Appellant contends that the proposed sign is similar to those approved in other locations but only provides one example in relation to the Lydford Service Station in West Lydford, Somerset. I have not been provided with any plans or images of this approved sign but having read the accompanying Officers Report the site appears to be within West Lydford and thus within a built up area or '*suburban*' location, in line with BIA Guidance.
 14. The Officers Report also states that the Lydford site is close to a major crossroads and a commercial dealership, with the sign itself set back from the main road and sited so as to be visible to customers leaving the service station. It also found that the sign would not be isolated but read as part of the petrol station. I also note that the main road in that case has a 30 mph speed limit and street lights. For all these reasons, that approval is not in any way comparable to the appeal proposal.
 15. Based on the evidence before me and my observations on site I find, therefore, that the proposed sign would have an adverse effect on the visual amenity of this part of the site and surrounding area.

Public safety

16. Paragraph 68 of the PPG states that public safety is concerned with adverts that present a danger to road users in that they obstruct sightlines, confuse road user's views, leave insufficient clearance above a highway or involve a level of illumination or other new lighting technology that impacts on the safety of road users.
17. As I confirmed earlier, there is some inconsistency between what is shown on the PSP, CGI and what's on the ground. Even so, I have largely based my analysis on the PSP which shows the proposed sign some 0.8 metres from the edge of the A3052 and adjacent to the residential access to Briarcliff and Higher Briarcliff. As interested parties indicate, the latter has recently been improved with a 2 metre high boundary fence tapering down to about 1 metre in height to allow for visibility

from the residential access. The proposed sign would be located in front of the 1 metre high section of fencing, project some 1.4 metres above it and comprise a solid form. Even so, there are no visibility splay plans or similar evidence before me to demonstrate whether this would obstruct visibility at this residential access.

18. In addition and as I also mentioned earlier, there is a yellow hatched '*Keep Free*' zone that runs through the end of the 1 metre fence and expands along the slip road into the appeal site. This may have been introduced to secure visibility from within the appeal site albeit the planning history in that respect is unclear. Even so, as well as not been shown on the PSP, it appears that the proposed sign may obstruct this safeguarded zone. As the Council confirmed, no visibility splay plans or other evidence has been submitted to demonstrate that the proposed sign would not compromise highway safety in this respect. I also note that the CDR indicates that the proposal was discussed with local Highway Officers and that they had similar concerns in relation to the obstruction of visibility splays.
19. The proposed sign appears to be angled into the site suggesting that it is intended to be viewed by customers when exiting as well as those approaching from the west on the A3052. I accept that the road leading from the west is straight but the proposed sign is located in a position where there is traffic entering and exiting the PFS, Londis, Greggs and commercial garage, as well as traffic entering and exiting the residential access. It is a location where drivers need to take care on a busy road where traffic is fast moving, with a speed limit of 50mph. Combined with the level of illumination, there would be the potential for drivers to be distracted and their attention drawn to the proposed sign, rather than being focused on the traffic turning and emerging from the various accesses. The lack of relevant accident data or compliance with standing advice does not affect that finding.
20. For the above reasons, I am not satisfied that it has been demonstrated that the proposed sign would not result in a hazard to traffic safety or confuse road users views. I find, therefore, that the proposed sign, based on the evidence before me and my observations on site, would have an adverse effect on public safety.

Conclusion

21. Accordingly, I find that the proposed sign would have an adverse effect on the visual amenity of the surrounding area and would also result in harm to public safety. It follows that the appeal proposal would conflict with policy D4 of the EDLP, which is material to this case. It would also, for the same reasons, conflict with the corresponding policies of the NPPF and PPG.
22. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR