
Appeal Decision

Site visit made on 16 October 2025 by A Morrison MTCP MRTPI

Decision by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/B5480/Z/25/3371789

BP Garage, Southend Arterial Road, Hornchurch RM11 3UB

- 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 the Council of the London Borough of Havering.
 - The application Ref is A0026.25.
 - The advertisement proposed is an illuminated digital display advertisement board (D48).
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Decision

1. The appeal is allowed and express consent is granted for an illuminated digital display advertisement board (D48) 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 Schedule 2 of the Regulations and the following additional conditions:-
 - 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 300cd/m² in the hours of darkness. During the daylight hours the luminance shall be controlled by sensors and/or timers to reflect ambient light conditions. At all times the display shall operate within that recommended by the Institution of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement guide).
 - 2) No individual advertisement displayed shall at any time contain moving images, animation, intermittent or full motion video images, audio, directional symbols or any images that resemble road signs, traffic signals or traffic matrix signs.
 - 3) The minimum display time for each advertisement shall be no less than 10 seconds.
 - 4) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect.
 - 5) The advertisement display shall at all times contain a feature that will turn the display off (showing a black/blank screen) in the event of malfunction or error, or if the advertisement is not in use.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) all clarify that advertisements should be subject to control only in the interests of amenity and public safety. The reasons for refusal refer to Policy 26 of the Havering Local Plan 2016-2031 (Local Plan), Policies D4, D8, and T2 of the London Plan 2021 and Mayor of London's Transport Strategy 2018. Given the requirements of the Regulations, although I have taken these policies into account where relevant, they have not been determinative in my consideration of this appeal.

Main Issues

4. The main issues are the effect of the proposed advertisement upon:
 - Amenity; and
 - Public safety.

Reasons for the Recommendation

Amenity

5. Amenity is not defined within the Regulations, however the Guidance sets out that in practice it is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and that the local characteristics of the neighbourhood should always be considered, including for example the presence of any feature of scenic, historic, architectural, cultural or similar interest.
6. The appeal proposal is for a 3 metre by 6 metre digital display board on a grass verge beside the entrance to a 24-hour petrol filling station (PFS) on the south side of the A127 Southend Arterial Road. The display would be mounted to a hoarding immediately in front of a line of established evergreen trees which form an effective screen to the rear aspects of neighbouring dwellings beyond. It would face towards southeast-bound traffic on the street-lit dual carriageway, a hotel car park opposite and users of the PFS. During my site visit I observed this stretch of the road to be a well-trafficked route between Gallows Corner and its junction with the M25.
7. The display would sit adjacent to a range of existing PFS installations, including its illuminated large totem sign and forecourt. In addition, it would be seen in context with signage for the hotel and nearby businesses located on the other side of the highway, whilst there is also a further PFS with similar associated illuminated advertisements located a short distance to the southeast. Taken together with the frequency of traffic, street lighting and the well-established natural screening from residential properties, these elements combine to give the site a confined suburban commercial character and setting that stands in separation from its wider surroundings.
8. Set against a backdrop of dense mature trees and viewed with streetlights and the adjacent PFS structures, the digital poster would be read in the context of surrounding development, advertisements and illumination, with no intrusion into

the residential area to its rear. Despite its size, the display would integrate comfortably into this commercially dominated setting, with its spacious set back from the main carriageway and lack of wider visibility serving to reinforce its appropriateness. Although I appreciate that there are no installations of this type in the area, given the characteristics of the site and its immediate environs as identified above, I am not persuaded that the proposal would appear incongruous within the streetscene, add to visual clutter or be a dominant or intrusive feature. Accordingly, I find that the proposal would not adversely affect visual amenity within its neighbourhood.

9. Local Plan Policy 26 and London Plan Policy D4 are cited on the decision notice and set out the Council's approach in securing good design that respects and complements the character of the site and local streetscene. Whilst I have taken these policies into account so far as they are material, they have not been decisive in reaching my conclusion on matters of amenity.

Public Safety

10. The digital board would be angled toward, and primarily visible to, southeast-bound traffic travelling on the opposite side of the A127. Irrespective of the comments by both parties that it would also be visible to a lesser extent by northwest bound traffic, I noted when visiting the site that due to its proposed positioning, the advertisement would not be seen by drivers passing by the site and PFS in this direction, though slow-moving or stationary drivers exiting the PFS would notice it when checking over their right shoulder for oncoming vehicles.
11. The A127 at this location is a flat, well-lit dual carriageway with a 50 mph limit and footways to either side. Southeast-bound traffic approaches on a straight section with good forward visibility before a gentle left curve. The only relevant junctions in the vicinity are separate entrance and exit points for the hotel and PFS, again all of which have good sightlines. I observed little in the way of hazard or complication to motorist or pedestrians with no safety concerns apparent along what is a straightforward stretch of the road, a finding that is corroborated by the appellant's supporting evidence¹.
12. The proposed display would be seen alongside the PFS for a considerable distance and time on approach from the northwest, such that its presence would not come as a surprise to motorists travelling southeast. Although drivers are required to be aware of vehicles leaving and adjoining the carriageway in connection with the hotel, I am satisfied that they would have sufficient time to both absorb the presence of the display and react to road conditions associated with these accesses without increasing risks to highway safety. Furthermore, I am mindful that these are minor junctions with good visibility conditions such that they would not demand motorists' undivided attention when approaching and passing by the site.
13. Due to its positioning and alignment, I also noted that the display would not be visible by motorists seeking to rejoin the main road from the hotel, whilst it would be sited sufficiently far back from the carriageway so as not to interfere with the line of sight of motorists looking in this direction when seeking to rejoin from the PFS.
14. Given the high degree of existing lighting in the immediate vicinity of the proposal, the resulting illumination from the display would not give rise to an abnormal or

¹ Statement of Case: Appendix 6 Highways Technical Note 01 August 2025 5266-HTN01

inappropriately compelling feature to passing traffic, with the intensity of such brightness to be controlled in line with widely adopted standards.

15. On this basis I conclude that the proposed advertisement would not be prejudicial to highway safety. Although London Plan Policies D8 and T2 are cited on the decision notice in relation to this issue, on review these appear to be of little if any relevance. In any case, the board would not conflict with these policies, or the general aspirations of the Mayor's Transport Strategy.

Other Matters

16. Representations by third parties include matters beyond which can be considered under the Regulations. I have taken these representations into account only in so far as they relate to amenity and public safety and have found no reason to conclude that the advertisement would be harmful in either respect. In reaching this conclusion, there is a reasonable expectation that the manufacturer and operator of the display would undertake due diligence before any installation and would maintain it in good working order. As such, there is no compelling evidence before me that the proposal would represent a danger to public safety, including from fire risk.

Conditions

17. The Council has not suggested any further conditions beyond the five standard conditions set out in the Regulations. The appellant has however referred to a set of 'model conditions' within guidance issued by the Institute of Lighting Professions² that can be applied.
18. I agree that conditions relating to the intensity and brightness of illumination and the means by which to control it; the types of images that should not be displayed, the refresh rate and the method of transition for images and are necessary and reasonable in the interests of amenity and public safety. I have therefore imposed conditions to this effect.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, I conclude that the proposed advertisement would not be detrimental to the interests of amenity and public safety and therefore recommend that the appeal should be allowed.

A Morrison

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

B Plenty

INSPECTOR

² Appendix 1 of Institute of Lighting Professionals Professional Lighting Guide 'The Brightness of Illuminated Advertisements including Digital Displays' (PLG 05/23) – reproduced in Appendix 4 of the appellant's Statement of Case