



Appeal Decision

Site visit made on 3 December 2025

by **S Ramsden BSc (Hons) MA MA IHBC**

an Inspector appointed by the Secretary of State

Decision date: 8 January 2026

Appeal Ref: APP/C4615/Z/25/3374635

Netherton Service Station, 176 Halesowen Road, Netherton, Dudley DY2 9PS

- The appeal is made under Regulation 17 of the Town and Country Planning (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 Dudley Metropolitan Borough Council.
 - The application reference is P25/0884.
 - The development proposed is for the installation of a freestanding D6 double-sided small format advertising display.
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Decision

1. The appeal is allowed, and advertisement consent is granted for the installation of a freestanding D6 double-sided small format advertising display as applied for at Netherton Service Station, 176 Halesowen Road, Netherton, Dudley DY2 9PS. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

Preliminary Matters

2. 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 (the PPG) confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.
3. The description of development, given above, is taken from the application form. Documents submitted as part of the application indicate the intention to remove existing signage, towards the front boundary of the appeal site, and I have taken this into account in my consideration of the appeal proposal.

Main Issue

4. The main parties agree that the proposed advertisements would not be detrimental to public safety. Therefore, the main issue is the effect of the advertisement on amenity, having regard to its impact on the street scene and the living conditions of the occupants of nearby dwellings.

Reasons

5. The appeal site comprises of a petrol filling station fronting Halesowen Road (A459) and has one vehicle entrance and one vehicle exit. The site contains a

single storey retail premises, two post lockers and multiple petrol pumps covered by a flat canopy. The premises has numerous existing advertisements, including fascia and free standing signs.

6. The site is in an urban area, and the south-west side of Halesowen Road, in the immediate vicinity, is characterised by low scale commercial and industrial buildings. Immediately opposite the appeal site, to the north-east of Halesowen Road, is a run of established semi-detached houses, set back from the road behind front gardens. This section of Halesowen Road is lit by street lamps.
7. The proposed sign would utilise a digital display with a black frame and be centrally located to the front of the forecourt area, perpendicular to the carriageway. Although the display would be within the appeal site, there is little differentiation between the petrol station forecourt and the pavement at this point, and the sign would have the appearance of being within, albeit to the back of, the footway.
8. The sign would be double-sided and display multiple static advertisements on a rotation basis. It would replace numerous free-standing, temporary unilluminated advertisements and banners, to the front of the forecourt. At the time of my site visit I observed no other signage in the vicinity at street level, with the exception of a single A-board at the neighbouring site to the north-west.
9. The current free-standing advertisements to the front of the forecourt area has the appearance of an over proliferation of signage, contributing to a visually cluttered street scene and site. Removal of the existing signage, and replacement with a single display, would reduce the amount of signage both on site and visible within the street scene.
10. Whilst the internal illumination of the sign, and the rotating imagery, would add to its prominence in the street scene, it would be seen in the context of the existing illumination, both functional and for advertisements, at the petrol station. Therefore, subject to the removal of the existing signage to the front of the appeal site, the proposed display panel would not result in an unacceptable impact on the street scene.
11. The proposed display panel would be perpendicular to, across the road from, residential properties in the immediate vicinity on Halesowen Road. The houses are set back from the road behind front gardens, and during the hours of darkness the A-road is lit by street lighting. The proposed panel would therefore be viewed obliquely and, in most instances, against the backdrop of the existing petrol station, which would be lit for functional purposes during the hours of darkness, so it would not appear out of place when viewed by nearby occupants.
12. The Council does not object to the impact of the display on the living conditions of nearby occupants on the basis of the rotating imagery, but on the grounds of light pollution due to what it considers would be significant glare and light overspill from constant and excessive illumination. However, illumination levels could be limited to acceptable levels through the use of a planning condition attached to the permission.
13. For the reasons set out above, I do not find that the proposal would have harmful impact on the street scene, and consider that any adverse impacts on the living conditions of the occupants of nearby dwellings could be mitigated through the use

of a planning condition. I therefore find no conflict with the Council's Shopfront and Advertisement Supplementary Planning Document, 2017, and Policy D12 of the Dudley Development Strategy, 2017 (the Development Strategy).

14. Policy L1 of the Development Strategy is listed on the decision notice. This policy includes matters relating to housing development, extensions and alterations to existing dwellings, and not to advertisements on commercial properties. Therefore, this policy is not relevant to my consideration of this appeal.

Other Matters

15. The Council has made reference to a previous application (P05/0168) dismissed at appeal in 2005. However, I have not been given full details of this previous appeal proposal to demonstrate that it is a direct parallel to the appeal before me. In any event, I have determined this appeal on the basis of the what I have seen and read at this time. .

Conditions

16. Both the Appellant and Council have provided a list of suggested conditions , which where necessary and in the interests of precision and brevity I have combined or amended the suggested wording. Both have had the opportunity to comment on the revised wording
17. In addition to the 5 standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, I have imposed a condition requiring that the development is carried out following the approved plans, for the avoidance of doubt and in the interests of certainty.
18. To protect the visual amenity of the area, and in line with the application, I have attached a condition requiring the removal of the existing advertisements to the front of the appeal site.
19. Similarly, to protect the visual amenity of the area I have attached conditions relating to other matters such as lighting levels, transitions and images on the digital display.

Conclusion

20. For the reasons given above, I conclude that the display of the proposed advertisement would not be detrimental to the interests of amenity or public safety. The appeal should, therefore, be allowed in the terms set out.

S Ramsden

INSPECTOR

Schedule of Conditions

Additional to the 5 standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

- 1) The display hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 25912 | PA | 01, 25912 | PA | 02, 25912 | PA | 03, 25912 | PA | 04, 25912 | PA | 05, 25912 | PA | 06, 25912 | PA | 07 and 25912 | PA | 08.
- 2) None of the advertisements hereby permitted shall be displayed until the existing advertisements located along the northeastern boundary adjacent to Halesowen Road, forward of the canopy roof line, have been permanently removed.
- 3) The intensity of the illumination of the advertisement display permitted by this consent shall be no greater than 300 candela/sqm during the hours of darkness (dusk to dawn), no greater than 5000 candela/sqm during the hours of daylight (dawn to dusk).
- 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.
- 6) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent. The panel shall not be illuminated by intermittent or flashing lighting.
- 7) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

END OF SCHEDULE