



Appeal Decision

Site visit made on 22 October 2025 by S Jamieson BA (Hons) MPlan

Decision by F Wilkinson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

Appeal Ref: APP/W2465/Z/25/3372270

92 Burleys Way, Leicester LE1 3BD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Leicester City Council.
 - The application Ref is 20250471.
 - The advertisement proposed is conversion of poster advertisement displays to D-poster.
-

Decision

1. The appeal is allowed and express consent is granted for conversion of poster advertisement displays to D-poster at 92 Burleys Way, Leicester LE1 3BD in accordance with the terms of the application, Ref 20250471. 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) The maximum level of luminance of the advertisements displayed shall not exceed the relevant thresholds contained within the Institute of Lighting Professionals guidance document PLG05 - The Brightness of Illuminated Advertisements or any guidance updating or replacing it. The display shall be equipped with means to constantly monitor ambient light conditions and adjust brightness accordingly.
 - 2) Advertisements shall consist of static lighting and static images only. Changes between advertisements shall be instant only with no animated, scrolling, sequencing, fading, swiping or merging of images, or any images that resemble road traffic signs, traffic lights or traffic matrix signs.
 - 3) Advertisements shall not change more frequently than once every ten seconds.
 - 4) The display shall include a mechanism to default to a blank or black screen in the event of malfunction, or when 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 Matters

3. The Regulations set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the

development plan, so far as they are material, and any other relevant factors. Therefore, while the development plan policies referred to in the Council's decision cannot by themselves be decisive, where relevant I have taken them into account as a material consideration.

Main Issues

4. The main issues are the effects of the proposed advertisement on visual amenity and public safety.

Reasons for the Recommendation

Visual amenity

5. The appeal site comprises a three-storey building situated on a main route through Leicester city centre. The surrounding area is characterised predominantly by industrial and commercial premises, and features various large-scale hoardings, some of which are illuminated.
6. The appeal proposal seeks to install a digital advertising screen to replace an existing paper and paste advertisement on the side elevation of the building. The industrial character of the street, the high volume of traffic, and the prevalence of advertisements all contribute to a distinctly urban environment in which the existing advertisement does not appear incongruous.
7. The proposed display would be the same size as the existing hoarding. It would show static images that would change at 10 second intervals and the level of illumination could be regulated by condition. Even with its elevated position, I am satisfied that the luminance of the advertisement and the changing images would be appropriate in the context of the surrounding environment, having regard to the well-lit nature of the road and the presence of other illuminated advertisements.
8. I conclude that the proposal would not cause harm to the visual amenity of the area. Insofar as it is material to the first main issue, the advertisement would satisfy Policy CS03 of the Council's Core Strategy (2014) and the aims of the National Planning Policy Framework (2024) (the Framework), which seek to ensure that advertisements are well-designed.

Public safety

9. The proposed advertisement would be located close to a busy section of the highway network, including Burleys Way and the Burleys Flyover. A digital display would by its very nature be designed to attract attention. However, due to its elevated position above the carriageway, the advertisement would not be prominent in views of drivers travelling along Burleys Way and would therefore not unacceptably affect public safety on this part of the road network.
10. The advertisement would however be more visible to those travelling along the flyover towards Vaughan Way. This part of the carriageway is confined to a single lane and the point where traffic merges onto Burleys Way lies at a sufficient distance from the appeal site to allow drivers to assimilate the display well in advance without distraction from merging movements, signs or signals. While the Council's evidence indicates that traffic can become congested on the flyover at peak times, the 30mph speed limit and clear forward visibility between the

advertisement and the road ahead would allow drivers to observe the display and respond appropriately to changing traffic conditions.

11. The proposed display would not include moving or flashing images, and transitions between static advertisements would occur almost instantaneously. It would therefore not appear dissimilar to the existing advertisement hoarding. Given the presence of other signs and advertisements nearby, drivers are already accustomed to a degree of visual activity. The proposal, including its periodic image changes, would not therefore appear unusual or so conspicuous as to increase the risk of driver distraction in this location.
12. I note the Highways Officer has suggested a condition limiting image changes to no more than once every 60 seconds. For the reasons given above, I find that the proposed 10 second intervals would be sufficient to ensure that the changing images would not cause undue distraction for drivers on the flyover.
13. The appellant's accident data shows that while some recorded incidents have occurred on the flyover in recent years, these were classified as of 'slight' severity and did not take place within the section of the flyover from which the advertisement would be visible. There is no substantive counter evidence to indicate that the proposal would increase the likelihood of accidents.
14. Overall, the local highway conditions would not be unduly susceptible to the proposed change from a paper and paste advertisement to a digital display. Subject to appropriate operational controls, I am satisfied that the proposed advertisement would not result in an unacceptable increase in risk to highway users. Accordingly, it would have an acceptable effect on public safety and would therefore accord with the relevant aims of the Framework insofar as they relate to the second main issue.

Conditions

15. Advertisement consent is subject to the five standard conditions set out in Schedule 2 of the Regulations. I have also had regard to the additional conditions suggested by the main parties. As such, illumination levels should be controlled during the day and night. The advertisement should have no moving images and the time that images take to change should also be restricted. In the event of malfunction, a black screen shall be shown, and no images shall resemble traffic signals. These conditions are reasonable and necessary in the interests of visual amenity and public safety.
16. There is agreement between the main parties regarding the maximum luminance levels during nighttime hours. However, the Council has referenced a previous appeal decision (APP/W2465/Z/25/3369227) which restricts daytime luminance to 2500cd/m². The appellant has suggested a higher limit of 5000cd/m². The latter is consistent with the guidance contained in PLG05 - the Brightness of Illuminated Advertisements published by the Institute of Lighting Professionals. In the absence of any evidence to justify the suggested lower luminance level, it would not be necessary or reasonable to require such a restriction given the context described above.
17. For the above reasons, a condition restricting the frequency of changing displays to a maximum of one every ten seconds would be sufficient to ensure the proposed

advertisement would avoid visual intrusion (in the interest of visual amenity) and undue distraction to drivers (in the interest of public safety).

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Jamieson

APPEAL PLANNING OFFICER

Inspector's Decision

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

F Wilkinson

INSPECTOR