



Appeal Decision

Site visit made on 13 January 2026

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th January 2026

Appeal Ref: APP/N4205/H/25/3375255

426 Bury Road, Bolton, BL2 6DT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against conditions imposed when granting express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 20731/25 was approved on 19 September 2025, and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is the installation of 1 no. digital advertisement display following removal of existing advertisement display.
 - The condition in dispute is No 3 which states: "The maximum level of illumination should not exceed 600cd/m² during daylight hours or exceed 300cd/m² during twilight and night hours (dusk until dawn), in accordance with the terms of the Institution of Lighting Professionals, Professional Lighting Guide 2015 recommendations for maximum luminance (cd/m²). The luminance level of the display should be controlled by ambient environmental control, which would automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level. The approved display should contain at all times a feature that will turn off the screen (i.e. show a black screen) in the event that the display experiences a malfunction or error. No individual advertisement on the LED screen will contain moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals. There shall be a smooth uninterrupted transition from one image to another. Transitions shall be instantaneous, and no individual advertisement shall be displayed for a duration of less than 10 seconds."
 - The reason given for the condition is: "In the interests of amenity and highway safety and in order to comply with Bolton's Core Strategy policies CG4 and S1".
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Decision

1. The appeal is allowed and the express consent Ref 20731/25 for the installation of 1 no. digital advertisement display following removal of existing advertisement display at 426 Bury Road, Bolton, BL2 6DT granted on 19 September 2025 by Bolton Metropolitan Borough Council is varied by deleting condition 3 and substituting it with the following conditions:

3) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night-time luminance value set out for Environmental Zone 3 in Table 10.4 of the Institution of Lighting Professionals (ILP) Lighting Guide PLG 05 2023 'The Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide).

5) In daylight hours, the advertisement display luminance shall be controlled to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall not exceed 5,000cd/m² in accordance with Table 10.5 of the ILPs Lighting

Guide PLG 05 2023 'The Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide).

6) Transitions shall be smooth, uninterrupted and instantaneous, and no individual advertisement shall be displayed for a duration of less than 10 seconds.

7) No individual advertisement will contain moving images, animation, intermittent, or full motion video images, or any images that resemble road signs or traffic signals.

8) In the event of a malfunction or error with the advertisement display, it will be fitted with a mechanism to turn off the screen (show a black screen).

Background and Main Issue

2. The Council approved a digital advertising display which would replace an existing advertisement display at the appeal site.
3. Both its Highway Authority and Environmental Health Officer raised no objections to the advertisement but suggested it be conditioned to restrict the advertisement illumination levels to 300cd/m² during night-time and twilight hours, and 600cd/m² during daylight hours. Accordingly, a condition restricting the illumination of the proposal to this level was subsequently attached to the consent.
4. The appellant objects to the condition in respect of daylight illumination only, as they consider it to be unreasonable, and say it would prevent the advertisement being visible in daylight.
5. The main issue, therefore, is whether condition No 3 in respect of daylight illumination is reasonable in the interests of amenity and public safety.

Reasons

6. The advertisement consent application form states that the proposal would be illuminated up to 5,000 cd/sqm during the daytime, dependent on time of day/year and ambient conditions, in line with the Institute for Lighting Professionals Guidance (ILP).
7. The ILP's Recommended Daylight Illumination Levels document sets out a range of maximum illumination levels for daylight ambient light conditions according to location. These range from less than 400cd/m² in overcast conditions, and up to 5,000 cd/m² in direct sunlight. The concept that the level of advertisement luminance would be required to vary due to ambient lighting conditions in order for the advertisement to remain visible is a valid and a proportionate response to the changing levels of natural light during the daytime. The appellant has suggested alternative conditions to this effect, based on the model conditions set out within the ILP Guidance.
8. The Council has not disputed this appeal or sought to demonstrate why condition no. 3 is necessary to restrict the illumination of the advertisement to a uniform level of 600cd/m² during daytime hours. Equally, there is no substantive evidence before me which indicates that the increase in illumination during daytime hours up to 5,000cd/m² (according to the ambient light level) would be unacceptably harmful to amenity or public safety in this location.

9. I therefore conclude that originally imposed condition no. 3 in respect of daylight illumination is unreasonable, and that a variation to condition no. 3 to allow a range of illumination according to ambient levels of light would be reasonable and necessary and would comply with Policy CG4 of Bolton's Core Strategy, Development Plan Document, adopted March 2011 and Policy JP-P1 of the Places for Everyone, Joint Development Plan Document, for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan, 2022-2039, adopted March 2024, which amongst other things, require advertisements to protect amenity and safety and respect the character of the locality.

Conditions

10. Condition 3 as originally imposed addressed a number of different issues. In my decision above, I have separated those into individual conditions in the interests of precision, although I have not altered their ultimate objectives. Accordingly, varied condition 3 is imposed to control night-time illumination, and new condition 5 is imposed to control daytime illumination following my findings above, both conditions are necessary in the interests of visual amenity and public safety. Similarly, new conditions 6, 7 and 8 are also necessary to ensure the safe operation of the digital display, and to protect the amenity of the area and public safety.

Conclusion

11. I therefore conclude that the disputed condition is not reasonable in the interests of the amenity of the area and public safety. I shall therefore allow the appeal with varied conditions as set out above.

A Hunter

INSPECTOR