



Appeal Decision

Site visit made on 21 January 2026

by **R Major BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Appeal Ref: APP/W4223/H/25/3374009

IMO Car Wash, Shaw Road, Oldham OL1 3JA

- 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 Oldham Metropolitan Borough Council.
- The application Ref ADV/354398/25 was approved on 22 August 2025 and express consent was granted for the display of an advertisement subject to conditions.
- The advertisement permitted is erection of a freestanding D-Poster LED advertisement.
- The condition in dispute is No 5 which states that:

The brightness of the display shall not exceed:

- 600 candela per square metre during daylight hours; and
- 300 candela per square metre at night (between local sunset and local sunrise).

The sign shall incorporate an automatic brightness adjustment sensor calibrated to ambient lighting conditions.

- The reasons given for the condition is:

In the interests of protecting highway safety

Decision

1. The appeal is allowed and the express consent Ref ADV/354398/25 for erection of a freestanding D-Poster LED advertisement at IMO Car Wash, Shaw Road, Oldham OL1 3JA granted on 22 August 2025 by Oldham Metropolitan Borough Council is varied by deleting condition 5 and substituting it with the following condition:

- 5) In daylight hours, the intensity of the illuminance of the advertisement display shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values (in cd/m²) set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'The Brightness of Illuminated Advertisements including Digital Displays' (2023) (or its equivalent in a replacement guide).

In the hours of darkness (between dusk and dawn), the intensity of the illuminance of the advertisement display shall be no greater than 300cd/m² in accordance with the maximum night-time luminance values set out for Environmental Zone 3 (E3) in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'The Brightness of

Illuminated Advertisements including Digital Displays' (2023) (or its equivalent in a replacement guide).

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that decisions are made only in the interest of amenity and public safety. Therefore, whilst 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.

Main Issue

3. Advertisement consent was granted, subject to conditions, for the erection of a freestanding D-Poster LED advertisement. This appeal seeks to vary condition 5 imposed on that consent to allow for greater luminance levels of the digital display during daylight hours. The reason for the condition is *"In the interests of protecting highway safety"*.
4. The main issue, therefore, is whether the disputed condition is reasonable and necessary in the interest of public safety.

Reasons

5. The appeal site is located at the northern end of a car wash on Shaw Road (B6194), adjacent to a public footpath and a rising grass embankment which contains mature trees. To the south of the appeal site is the junction of Shaw Road and Yates Street, and a pedestrian zebra crossing is situated between the appeal site and this junction.
6. I observed on site that the speed limit along this section of Shaw Road is restricted to 30 mph and its geometry is straight. This allows relatively long-distance views of the proposed south facing advertisement from Shaw Road. The advertisement would also be visible to road users seeking to join Shaw Road from Yates Street.
7. The appellant seeks to vary the condition as they consider the 600cd/m² daytime restriction on the illuminance level to be unreasonable and not appropriate. They state it would overtly restrict the daylight illumination of the digital display and prevent its correct function.
8. In this regard, my attention has been drawn to the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05/23) 'The Brightness of Illuminated Advertisements including Digital Displays' (2023) (ILP Guidance). I consider this guidance to be a material consideration.
9. At para 5.3 it states that *"A daytime limit of 600cd/m², while adequate for twilight, dawn, dusk and very overcast conditions when ambient levels are low, does not allow for higher ambient conditions on bright days with cloud cover, bright sunny days or in direct sunlight conditions. As a daytime limit it is therefore unnecessary and unreasonable, thereby at odds with the six tests for planning conditions... The recommended daylight operation performance should be broadly in line with Table 10.5 of this guide."*
10. Table 10.5 of the ILP Guidance sets out the maximum illumination levels for a range of daylight ambient light conditions. These range from less than 400cd/m² to a maximum of 5,000cd/m², dependant on the daylight ambient illuminance.

11. The Council claim that the proposed advert would be shaded by surrounding trees and vegetation. As such, they assert that the requested levels of luminance in accordance with the ILP Guidance would likely heighten the degree a driver is distracted by the proposed advertisement and thereby increase the risk of accidents.
12. The concerns of the Council are noted. However, no substantive evidence has been provided to demonstrate the level of shading that this advertisement would be subjected to, or how an increase in illuminance levels in accordance with the ILP Guidance would distract drivers to an extent that would cause a highway safety issue. Nor has any evidence or justification been provided to explain how the Council arrived at the figure of 600cd/m² being the maximum illumination level that should be permitted during the day.
13. Furthermore, whilst I observed on site that there were surrounding trees, these were largely deciduous trees and were not located directly to the south of the proposed advert. As such, the level of shading and overshadowing of this advertisement from surrounding vegetation would vary depending on the time of day and year.
14. To that end, the appellant's submission details how the advertisement would be fitted with an internal sensor which monitors the ambient light conditions and automatically adjusts the brightness of the display as required. As such, in times when the display is shaded by surrounding vegetation, the digital display would automatically adjust so as to ensure it is neither too bright, nor too dull.
15. In view of all the above, it has not been demonstrated why the Council considered it necessary to restrict the illumination of the proposed advertisement specifically to a maximum level of 600cd/m² during daylight hours. Additionally, there is no substantive evidence before me to indicate that the increase in the illumination level during daylight hours to those outlined within Table 10.5 of the ILP Guidance would unacceptably harm highway and public safety. I therefore find the concept that the level of illumination should accord with Table 10.5 of the ILP Guidance to be a valid one.

Other Matters

16. The Council have not suggested the variation of condition No. 5 would affect amenity and based on my observations on site I see no reason to disagree.

Conclusion

17. I conclude that the disputed condition is not reasonable and necessary to make the advertisement acceptable in the interests of public safety. However, I find that a condition that limits the illuminance level of the advertisement in line with Tables 10.4 and 10.5 in the ILP Guidance is reasonable and necessary to make the development acceptable. I therefore allow the appeal and vary the original consent by deleting the disputed condition (No. 5) and replacing it with an amended condition.

R Major

INSPECTOR