



Appeal Decision

Site visit made on 20 January 2026

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th February 2026

Appeal Ref: APP/D3640/H/25/3374981

Windlesham South Service Station, London Road, Windlesham, Surrey GU20 6PJ

- 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 Surrey Heath Borough Council.
 - The application Ref 25/0957/ADV was approved on 21 October 2025 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted the erection of two illuminated small format digital display units.
 - The condition in dispute is No. 2 which states that: This consent shall be limited to a five year period from the date of the permission, when the advertisement hereby permitted shall be removed and the land reinstated to its former condition to the reasonable satisfaction of the Local Planning Authority.
 - The reasons given for the condition is: To accord with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
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Decision

1. The appeal is allowed and the express consent Ref 25/0957/ADV for advertisement consent for the erection of two illuminated small format digital display units at Windlesham South Service Station, Windlesham, GU20 6PJ granted on 21 October 2025 by Surrey Heath Borough Council is varied by substituting condition 2 with the following condition:

(2) This consent shall be limited to a five year period from the date of the permission. Where an advertisement is required under the Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Background and Main Issue

2. Express consent was granted for a two single-sided small format advertising display on the forecourt area to the service station in October 2025. The consent was subject to the five standard conditions set out in Schedule 2 of the Regulations¹ (albeit that they were given as a single condition and utilised a wording at slight variance to that set out in the Regulations) and three further conditions. The condition in dispute is condition 2 which requires the advertisement to be removed after a period of five years. The main issue is whether this condition is necessary or reasonable, having regard to the effect of the advertisement on amenity and public safety.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Reasons

3. Advertisements are subject to the standard conditions set out in Schedule 2 of the Regulations. This includes Regulation 14(7), which states that an express consent shall be subject to the condition that it expires at the end of such period as the local planning authority may specify in granting the consent, or, where no period is specified, a period of five years.
4. The Planning Practice Guidance (PPG) makes it clear that planning conditions should meet a number of tests, including that they are necessary and reasonable. In addition, the Regulations, National Planning Policy Framework (the Framework) and PPG state that advertisements should be subject to control only in the interests of public safety and amenity.
5. Condition 2 of this consent set out that the advertisement shall be removed after a period of five years from the date of the consent being granted. The reason given is in order to comply with the Regulations. The Council further set out in its statement that this was also due to the site's sensitive location in a transitional location at the edge of the village which is also located within the Green Belt. However, neither of these arguments are particularly compelling.
6. The Council would retain the ability to require the removal of the advertisement after a period of five years under the Regulations. This can be achieved through the service of the appropriate discontinuance notice. The use of a condition here is therefore not necessary.
7. Moreover, whilst the site is in a semi-rural transition area, I see no special reason why the advertisement should not be considered acceptable for a longer period if so desired. The commercial context of the service station is clearly different to the countryside beyond but this, of itself, is not a reasonable ground to restrict the continued display of the advert following the expiration of the five year period. The Officer's report explains that the sign is acceptable at the present time, and I have no reason to dispute its findings. It is clearly associated with the commercial operation at the service station. No circumstances have been set out as to why this would be likely to change in a substantive way and why it should not be regarded as acceptable for a longer period.
8. Therefore, requiring the removal of the advert following the expiration of the five year period by way of condition is neither reasonable or necessary in the interests of amenity or public safety. I have therefore adjusted the condition to accord with the appellant's suggested condition with the reason for its imposition being the same as that which was given by the Council.
9. As this consent varies the original consent granted on 21 October 2025, this approval is operative from that date and this decision should be read in conjunction with it.

Conclusion

10. For the reasons given above the appeal should be allowed and the consent is varied by substituting condition 2 in the terms set out above.

N Bowden

INSPECTOR