



Appeal Decision

Site visit made on 20 January 2026

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Appeal Ref: APP/V1260/H/25/3374463

156 Barrack Road, Christchurch BH23 2BD

- 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 Bournemouth Christchurch and Poole Council.
 - The application Ref P/25/01654/ADV was approved on 29 August 2025, and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is Erection of an internally illuminated gable end D48 advertisement.
 - The conditions in dispute are Nos 2, 3 and 4 which state that:
 - 2) The approved digital illuminated advertisement display shall at all times adhere to all of the following:
 - The advertisement shall be switched off between the hours of 23.00 to 07.00hrs.
 - Static images shall be displayed only (no moving or flashing images).
 - Changes between adverts shall take place instantly with no sequencing, fading, swiping, or merging of images.
 - Maximum level of nighttime (Dusk till Dawn) illuminance shall be set to 300cd/m² in accordance with ILP Guidelines.
 - During hours of daylight the luminance intensity shall be no greater than 500cd/m² above ambient level. The daytime running mode shall never exceed 500cd/m².
 - Advertisements shall change no more frequently than once every ten seconds.
 - 3) The approved digital advertisement display shall not include animated, flashing, scrolling, intermittent or video elements, or contain any directional symbols, and at all times the digital advertisement display shall have a max illuminance of no greater than 600cd/m². The luminance levels shall be controlled to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the digital advertisement display is maintained at no more than 600cd/m² above ambient level. Furthermore, no visual effects of any kind are permitted to accompany the transition between any two successive images/ messages, and the transition between images/ messages must not incorporate any fading, swiping or other animated transitional method, and each image/ message shall be displayed for a minimum time of 10 seconds before being changed.
 - 4) Within 30 days of installation a performance measurement test shall be carried out to confirm the output of luminance is restricted to a maximum of 300cd/m² during the permitted operational hours between dusk till dawn and no greater than 600cd/m² above ambient level during the hours of daylight. The performance measurement shall be carried out in accordance with the requirements and test methods as detailed in the Professional Lighting Guide 05 – The Brightness of Illuminated Advertisements by the Institute of Lighting Professionals (ILP).
 - The reasons given for the conditions are:
 - 2) To ensure that the illuminated advertisements will not cause harm to the amenities of local residents.
 - 3) To ensure that the illuminated advertisements will not cause undue distraction to drivers and pedestrians and in the interest of highway safety, in accordance with Policy KS11 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy.
 - 4) To ensure that the illuminated advertisements will not cause harm to the amenities of local residents.
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Decision

1. The appeal is allowed and the express consent Ref P/25/01654/ADV for the erection of an internally illuminated gable end D48 advertisement at 156 Barrack Road, Christchurch, BH23 2BD granted on 29 August 2025 by Bournemouth Christchurch and Poole Council is varied by deleting conditions 2, 3 and 4 and substituting for them the following conditions:
 - 1) The approved digital illuminated advertisement display shall at all times adhere to all of the following:
 - The advertisement shall be switched off between the hours of 23.00 to 07.00hrs.
 - Static images shall be displayed only (no moving or flashing images).
 - Changes between adverts shall take place instantly with no sequencing, fading, swiping, or merging of images.
 - Maximum level of nighttime (Dusk till Dawn) illuminance shall be set to 300cd/m² in accordance with ILP Guidelines.
 - In daylight hours, the advertisement display luminance shall be controlled to reflect ambient light conditions. It shall not exceed the 5,000cd/m² recommended maximum daytime luminance values set out in Table 10.5 of the Institute of Lighting Professionals Lighting Guide (PLG 05) 2023; 'The Brightness of Illuminated Advertisements including Digital Displays'.
 - Advertisements shall change no more frequently than once every ten seconds.
 - 2) The approved digital advertisement display shall not include animated, flashing, scrolling, intermittent or video elements, or contain any directional symbols. The luminance levels shall be controlled to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the digital advertisement display is maintained at the recommended maximum daytime luminance values set out in Table 10.5 of the Institute of Lighting Professionals Lighting Guide (PLG 05) 2023; 'The Brightness of Illuminated Advertisements including Digital Displays'.

Preliminary Matters

2. Regulation 17 states that sections 78 and 79 of the 1990 Town and Country Planning Act (1990 Act) shall apply in relation to applications for express consent. Section 78 of the 1990 Act (as modified by Part 3 of Schedule 4 to the Regulations), provides a right of appeal against a grant of express consent subject to conditions. Section 79(1) of the Town and Country Planning Act 1990 enables me to allow or dismiss the appeal or reverse or vary any part of the decision (whether the appeal relates to that part or not) and I may deal with the proposal as if it had been made to me in the first instance. This means that if I determine that a condition should be changed or amended in some way, the appeal is allowed regardless of whether this reflects all the amendments sought by the appellant.

3. The Council has drawn my attention, in relation to condition 3, to Policy KS11 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (CS) relating to transport and development which it considers to be relevant to this appeal. I have taken this into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (December 2024) (the Framework) and the Planning Practice Guidance confirm this approach. Therefore, while I have taken account of the policy that the Council considers to be relevant, this has not been decisive in my determination of this appeal. I have also had regard to the Framework which seeks to prevent the negative impacts of poor advertisements.
4. A letter is within the Council's evidence that was sent to the appellant regarding the wording of condition 2 on the decision notice. The letter identifies that the wording of condition 2 refers to 500cd/m² but should have referred to 600cd/m² in accordance with conditions 3 and 4. I shall take this into consideration within my assessment of the appeal.

Background and Main Issues

5. Advertisement consent was granted for an internally illuminated gable end D48 advertisement. The appellant seeks to delete the first bullet point of condition 2, vary the fifth bullet point of condition 2 and vary condition 3 to reflect the guidance in The Institution of Lighting Professionals (ILP) Professional Lighting Guide 05/23 (PLG 05/23) and delete condition 4.
6. The main issues relevant to this appeal are:
 - the effect that removing bullet point 1 and varying bullet point 5 of condition 2 would have on the living conditions of neighbouring occupiers;
 - the effect that varying condition 3 would have on highway safety; and
 - whether condition 4 relating to the requirement for a performance measurement test is reasonable and necessary having regard to the living conditions of future occupiers.

Reasons

Condition 2

7. The advertisement's position is the gable end of a two-storey building with a ground floor commercial use and flat above. The site is located within a mixed commercial and residential area with dwellings located opposite the site on Barrack Road (the A35), above adjacent commercial premises including those to the west, and to the rear in Beaulieu Road. Street lighting on this stretch of Barrack Road is located on the opposite side of the road with minimum street lighting on Beaulieu Road. A non-digital advertisement hoarding is currently in situ which is not illuminated.
8. The site is within a commercial frontage where digital advertisements are normally considered acceptable. However, several residential properties surround and overlook the site. Whilst none of these properties would directly face the digital advertisement, they would all have a view of the display from either front or rear facing windows. The residential property at 162A Barrack Road has a bay window

at first floor, the side of which would face the display. Residential properties fronting Barrack Road would overlook the display from opposite the site and the rear facing windows of 2A and 2B Beaulieu Road would also be able to view the advertisement at an oblique view from their rear facing first floor rooms.

9. The deletion of the first bullet point of condition 2 would enable the approved advertisement to operate at night. Guidance in PLG 05/23 recommends a maximum illuminance level of 300cd/m² during nighttime hours. However, the residential properties are located on roads that have minimal street lighting adjacent to and surrounding the appeal site. Given this, the introduction of an illuminated digital display, operating at night, would appear bright and intrusive to the adjacent residential properties which would have bedrooms overlooking the display. The existence of blinds, curtains and obscure glazing within the residential properties would not materially reduce the effect of the proposal and their retention and/or closure cannot be controlled via this appeal.
10. On this basis, the deletion of the first bullet point would have a harmful effect on the visual amenity of the area and the living conditions of neighbouring occupiers during the nighttime hours, causing disturbance and its imposition is therefore necessary.
11. Regarding bullet point 5, the condition stipulates that during the hours of daylight the luminance intensity shall be no greater than 500cd/m² above ambient level and the daytime running mode shall never exceed 500cd/m². I note the letter from the Council regarding the condition wording and that its intention was that the wording should read as 600cd/m².
12. The guidance in PLG 05/23 stipulates a maximum 5,000cd/m² during daylight hours to take account of ambient conditions including the time of day, the season, and the local weather conditions. I note the concerns of the Council's Environmental Health officer. However, in considering the site location and surroundings and the guidance within PLG 05/23, I consider the lighting level outlined in bullet point 5 is unnecessarily restrictive and does not accord with the lighting guidance for a suburban area, even at 600cd/m², which is a material consideration.
13. Accordingly, whilst it is necessary to limit illumination levels during the daytime to protect the amenity of the area, bullet point 5 within condition 2 is unreasonable due to its level of restriction. Consequently, a modified condition, with a differing illuminance level during daylight hours, would be reasonable and necessary in the interests of amenity and the living conditions of neighbouring occupiers in accordance with paragraphs 135 and 141 of the Framework. These seek, amongst other things, a high standard of amenity and development that is sympathetic to local character.

Condition 3

14. The appellant seeks to vary condition 3 in relation to the illuminance levels stated within the condition. As outlined above, the daytime illuminance levels would be overly restrictive and not in accordance with the guidance provided in PLG 05/23. Accordingly, the same would apply in relation to the levels set within condition 3.
15. The reason for the condition stipulates it is in the interest of highway safety. However, based on PLG 05/23, the 5,000cd/m² requested by the appellant is

considered to comply with general highway safety requirements. No evidence is before me regarding the need to restrict the illumination level due to highway safety. I also note that the Highway Authority considered the maximum of 5,000cd/m² to be acceptable during daylight hours. Given the site location on the A35 and the mix of commercial and residential properties, I see no highway safety reason in accordance with Policy KS11 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy, to restrict the daytime illuminance to no more than 600cd/m² above ambient level.

16. The Council has pursued an argument based on amenity rather than highway safety with respect to condition 3, which I have addressed within my reasoning relating to condition 2.
17. Accordingly, a modified condition 3 with differing daytime illuminance levels is considered reasonable and necessary in the interests of highway safety in accordance with Policy KS11 of the CS and paragraph 116 of the Framework, which requires development to be refused where there would be an unacceptable impact on highway safety.

Condition 4

18. I note that the imposition of condition 4, to assess output illumination levels post installation, was based on advice from the Council's Environmental Health officer. The Council has advanced that the condition is necessary to accord with the illumination restrictions. However, such imposition is unnecessary. Furthermore, its imposition is unnecessary to protect the amenities of residents.
19. Once installed, should issues arise in relation to the illumination levels, the Council would be able to investigate and pursue under planning enforcement powers, as necessary. As such, a requirement of proof that the display be installed and operated correctly on installation is not required and would not prevent an issue relating to illumination levels occurring after installation or after the condition had been complied with.
20. In consequence, the condition is a duplication of restrictions applied within other conditions and is therefore unnecessary, having regard to the living conditions of future occupiers, in accordance with paragraph 57 of the Framework. This paragraph outlines the required tests for the imposition of conditions.

Conclusion

21. For the reasons given above, the appeal is allowed and the advertisement consent is varied by deleting the disputed conditions numbered 2, 3 and 4 and substituting new conditions which restrict daytime illumination levels to a higher level than originally imposed.

P Brennan

INSPECTOR