



Appeal Decision

Site visit made on 30 March 2026

by **David Prentis BA BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 April 2026

Appeal Ref: APP/P1425/H/25/3374783

**Chailey Service Station, East Grinstead Road, North Chailey, East Sussex
BN8 4HD**

- 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 Lewes District Council.
 - The application reference LW/25/0447 was approved on 12 September 2025 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is *Installation of 1no. illuminated small format advertising display*.
 - The first condition in dispute is No 4 which states that: *This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority*.
 - The reasons given for this condition are: *To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety*.
 - The second condition in dispute is No 5 which states that: *The advertisement hereby approved shall only be illuminated during the working hours of the host business. The advertisement may not be illuminated at any time outside of these working hours*.
 - The reasons given for this condition are: *To accord with the aims and objectives of Policies DM25 (Design) and DM33 (Heritage Assets) of the Lewes District Local Plan Part 2 in the interests of visual amenity and public safety*.
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Decision

1. The appeal is allowed and the advertisement consent, reference LW/25/0447, for the installation of 1no. illuminated small format advertising display at Chailey Service Station, East Grinstead Road, North Chailey, East Sussex BN8 4HD granted on 12 September 2025 is varied by deleting conditions 4 and 5.

Main issue

2. The main issue is whether the disputed conditions are reasonable and necessary, having regard to the effect of the advertising display on amenity and public safety.

Reasons

Condition 4 – requirement to remove the advertising display

3. Chailey Service Station is located within North Chailey at the junction of the A275 and the A272. The Council has granted advertisement consent for a small format LCD digital advertising display with overall dimensions of 2.4m in height and 1.23m in width. The display would be within the petrol filling station, in front of a shop unit. It would be set back from the road frontage to the A275 by the width of the forecourt. It would be seen in the context of the filling station, with its associated fuel pumps, canopies and signage.

4. The consent granted by the Council will lapse at the end of five years from the date consent was given (12 September 2025). The effect of the disputed condition is that the advertisement would then need to be removed unless a further application for express consent had first been granted. In the absence of the disputed condition, the advertisement could lawfully remain because it would have the benefit of deemed consent under Class 14 of Schedule 3 of the Regulations.
5. Local Planning Authorities may impose conditions which are additional to the standard conditions required by the Regulations. However, Planning Practice Guidance (PPG) states that additional conditions should not be imposed because the local planning authority wishes, as a matter of general policy, to prevent the operation of Class 14 after the expiry of express consent. The PPG states that there must be specific and relevant planning reasons for additional conditions.¹
6. The reasons given for Condition 4 are “*to accord with Regulation 14(7) and for the purposes of amenity and public safety.*” Whilst Regulation 14(7) allows local planning authorities to specify a period other than five years for the expiry of an express consent, it says nothing about removal of advertisements upon expiry. This part of the reason is not relevant to the disputed condition.
7. The officer’s report makes clear that amenity and public safety were duly considered when the Council decided to grant express consent. There is nothing in the report that indicates that site-specific circumstances are likely to be materially different when the express consent lapses. No specific reason for this additional condition has been identified.
8. I saw that the site contains an established petrol filling station at the junction of two A class roads. Although the wider surroundings are rural, the immediate surroundings include buildings, highway infrastructure and street lighting. There is nothing before me which indicates that the site context is likely to change significantly during the period of the express consent. If the site context were to change, such that retaining the advertisement would be harmful to amenity or public safety, the Council could seek to take discontinuance action at that time.
9. I conclude that Condition 4 is neither reasonable nor necessary. I note that the appellant has suggested alternative wording as follows:

This consent shall expire 5 years from the date of this notice. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
10. However, it is clear from the terms of the express consent that it will lapse after five years. The second part of the suggested wording would duplicate standard condition (c). I do not think that the suggested alternative wording is necessary.

Condition 5 – illumination limited to working hours

11. Condition 5 would limit the times at which the advertisement could be illuminated to the working hours of the petrol filling station. This condition needs to be considered in the context of the other conditions, in particular Condition 2, which limits the level of illumination to that recommended by the Institution of Lighting

¹ PPG – Reference ID: 18b-034-20140306

Professionals (ILP), and Condition 3 which prevents flashing or intermittent illumination.

12. The reasons given for Condition 5 are “*to accord with the aims and objectives of Policies DM25 (Design) and DM33 (Heritage Assets) of the Lewes District Local Plan Part 2 in the interests of visual amenity and public safety.*”
13. The County Council, as highway authority, did not object to the proposal subject to a condition on the level of illumination. This consultation response is reflected in Condition 2, which is not in dispute. Condition 2 does not make any reference to operating hours. I consider that Condition 2 and Condition 3, taken together, are sufficient to protect the interests of public safety.
14. Although the reasons for Condition 5 refer to Policy DM33, neither the Council nor the appellant has identified any heritage assets that could be affected. This policy does not appear to be relevant.
15. Policy DM25 seeks to promote high quality design and includes a number of criteria, including that there should be no unacceptable adverse impact on the amenities of neighbouring properties in terms of light intrusion (amongst other matters).
16. The officer’s report includes the following:

“Policy DM31 (Advertisements) seeks to ensure that advertisements do not harm amenity. As mentioned above, it is not considered that the advert represents an unusual or alien feature, given the long-standing context of the garage site. The proposed advertisement would be subject to conditions limiting luminance ensuring compliance with DM31.”

Having reached that planning judgement, the officer’s report provides no specific reasons to justify limiting the times at which the advertisement could be illuminated.

17. The proposed advertisement would be a small format display, sited within the commercial setting of the petrol filling station. It would be set well back into the site, where it would be seen in the context of fuel pumps, canopies and other items typically found at petrol filling stations. As noted above, whilst the wider surroundings are rural, the immediate surroundings include buildings, highway infrastructure and street lighting. In all the circumstances, I consider that Conditions 2 and 3 would, together, be sufficient to prevent harm to amenity. Condition 5 is not therefore necessary.
18. The appellant draws attention to a list of suggested conditions, published by the ILP, which may be attached to advertisement consents. It is suggested that Condition 5 be replaced by a new condition, which is drawn from that list. However, whilst the suggested new condition is expressed in a more detailed way than Condition 2, the effect would be the same. Both conditions would limit the level of illumination to that recommended by the ILP. There is no appeal against Condition 2, which will remain in place in any event. In these circumstances, I do not consider that the suggested condition is necessary.
19. My overall conclusion is that Conditions 4 and 5 are neither reasonable nor necessary in the interests of amenity or public safety. It would therefore be

appropriate to vary the express consent as requested by removing those conditions.

20. I have taken account of Policy DM25 (Design) and DM31 (Advertisements) of the Lewes District Local Plan Part 2, insofar as they are material to this appeal. Varying the express consent as suggested would not conflict with the objectives of these policies.

Other matters

21. Chailey Parish Council oppose the appeal and endorse the disputed conditions. Given that the Parish Council objected to the grant of express consent in the first place, it is understandable that they would support retention of the disputed conditions. However, Lewes District Council has determined that the advertisement would not be harmful to amenity or public safety. These representations do not alter my findings on the disputed conditions.

Conclusion

22. For the reasons given above, the appeal should be allowed.

David Prentis

Inspector