



Appeal Decision

Site visit made on 31 March 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/K2230/Z/25/3359650

Cobham Service Station South, Watling Street, Cobham, Gravesend, KENT DA12 3BH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Gravesham Borough Council.
 - The application Ref is 20240982.
 - The advertisement proposed is the erection of a wall mounted D6 small format advertising display.
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Decision

1. The appeal is allowed and express consent is granted for the display of a wall mounted D6 small format advertising display at Cobham Service Station South, Watling Street, Cobham, Gravesend, Kent DA12 3BH in accordance with the terms of the application, Ref 20240982. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in Schedule 2 of the 2007 Regulations: -
 - a) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - b) No advertisement shall be sited or displayed so as to:
 - a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b. obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - e) 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.

Preliminary Matters

2. I have taken the address of the site from the Council's decision notice as this clearly describes the address, although I note that it is expressed differently on other documents.
3. A Highway Technical Note 1 has been submitted in support of the appeal. This additional information has been produced to inform the appeal process. The local planning authority has highlighted that it did not form part of the advertisement consent application. There is no evidence that it has been subject of consultations, such as through the Council's advertisement consent formal application consultation process. As this document has not been subject to the appropriate procedures giving interested parties the opportunity to make comment, I have not had regard to this Note or any references to it within the appellant's statement.
4. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Background and Main Issue

5. The provisions under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) require the local planning authority to assess the proposed development solely on the basis of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
6. The main issue is the effect of the siting of the proposed advertisement on public safety, that being highway safety.

Reasons

7. The site is a petrol filling station located besides the A2 (Watling Street). The advertisement would be mounted on the existing retail building. There are other advertisements on the building and at the site. This advertisement would replace an existing paper advertisement board, which is larger in size than that of the illuminated advertisement proposed.
8. The Council has referred to the Institution of Lighting Professionals 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'. The illumination of the sign would not exceed 300 cd/m² at night, which the local planning authority indicates complies with the guidance. During day time the illumination would be up to 5000cd/m². Whilst the day time illumination would be at the upper limit of this guidance, it would nonetheless comply with it.
9. It is an accepted fact that advertisements are intended to attract attention. Whilst the proposed display would have a location adjacent to the A2, the petrol filling station is sited at an off-motorway position adjacent to the A2. It is separated from the A2 by an access road that runs between the petrol filling station and the A2 within the petrol filling station site.
10. The location of the advertisement upon the host retail unit would face towards the petrol filling station forecourt. The advertisement would be viewed primarily within the context of the petrol filling station site. The A2 is a relatively straight carriageway where it passes the appeal site. Despite being visible from the A2,

given the advertisement's off-set positioning to the A2, its relatively small overall size, along with the nature of illumination that would comply with accepted guidance, drivers would be capable of glancing at the advertisements from the A2 whilst maintaining awareness of surrounding traffic movements.

11. I acknowledge that the advertisement would host motion images on rotation. However, there is no clear indication that the cognitive demand on road users would require extra care to be taken as a result of such an advertisement. As such, I cannot conclude on the evidence that is before me that there would be a clear correlation between the proposed advertisement and concerns directly relating to road safety.
12. For these reasons, I conclude that the siting of the proposed advertisement would not harm public safety, that being highway safety. I have taken into account Policies T1 and TC8 of the Local Plan, Policy 8 of the Council's adopted Supplementary Planning Guidance 3 - Advertisement Control Policy Guidelines, Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and the provisions of the Framework that require advertisements not to cause a distraction for road users, amongst other matters, and so are material in this case. Given that I have concluded that the proposal would not harm highway safety, the proposal does not conflict with these policies.

Conditions

13. Schedule 2 of the 2007 Regulations sets out 5 standard conditions to be imposed in the event that express consent is granted. These are relevant to this case and should be imposed.
14. Other conditions have been suggested by the local planning authority and the appellant has put forward a list of conditions indicating these to be compliant with industry standards. In some cases, the local planning authority's suggested conditions differ to those suggested by the appellant. The imposition of such conditions, as suggested by either party, goes beyond those 5 standard conditions set out within the Regulations. Within the 'Decision' section above it is made clear that the proposal shall accord with the terms of the application, Ref 20240982. Therefore, the advertisement herein approved is required to accord with the details of the advertisement application, including those details pertaining to illumination limits and motion rotation, amongst other matters, that are set out within the application details.

Conclusion

15. For the reasons set out above, and subject to the conditions listed above, the appeal should be allowed.

Nicola Davies

INSPECTOR