APPEAL STATEMENT OF CASE

Land North of A27, Red Square Retail Park, Sompting Road, Worthing, BN14 9LA

Wildstone Estates Limited
September 2026

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1.0 Introduction

1.1 The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.

1.2 The appeal is made by Wildstone Estates Limited (the Appellant) against the decision of Worthing Borough Council (the Local Planning Authority) to not grant advertisement consent. The application ref: AWDM/0761/25, dated 11 June 2025, was refused on 16 July 2026.

1.3 The Council refused the proposed digital advertisement display (48-sheet) on the ground of the sign's perceived impact on both amenity and highway safety grounds.

1.4 Copies of the application made to the Council, the decision notice and officers report are enclosed with this submission in **Appendix 1**.

1.5 The Regulations make it clear that advertisements should be subject to control only in the interests of amenity and public safety, accounting for the cumulative effects.

1.6 The proposal was refused under Officer's delegated powers on the grounds of the negative impacts that the digital display would have on the amenity, character and highway safety of the immediate area. As well as causing a distraction to drivers and creating highways safety issues. The Authority's reasons for refusal are:

> *"01. The proposed digital LED billboard sign, which would display multiple static advertisements on rotation would, by reason of its size, design, positioning, location, and illumination, represent an unduly prominent and discordant form of advertisement out of keeping with the character and appearance of the streetscene and would result in adverse cumulative impacts when viewed in combination with existing signage. As such the proposal is contrary to policies DM5 and DM6 of the Worthing Local Plan and the relevant paragraphs of the National Planning Policy Framework.*
>
> *02.Insufficient information has been provided to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the strategic road network contrary to policy DM15 of the Worthing Local Plan and chapter 9 of the NPPF."*

Background context

1.7 On 25 July 2025 National Highways (NH) made a request for additional information as the site bounds the A27, which is a Strategic Road Network. The following information was requested: Technical approval certification in accordance with the Design Manual for Roads and Bridges (DMRB) document CG 300, Safety Risk Assessment (SRA) in accordance with DMRB document GG 104, and STATS 19 Collision Analysis for the most recent five-year period. This was requested by NH so it could be demonstrated that the structural integrity of the free-standing advertisement was satisfactory.

1.8 Following this, the applicant provided the relevant Collision Data, a completed technical approval certification document CG 300, as well as a Road Safety Risk Assessment to the LPA. This was in part

accepted by National Highways, who confirmed that the content of the Road Safety Risk Assessment was '*sufficient in assuring that safety risk is managed so far as is reasonably possible*'.

1.9 Since the submission of the application, ongoing correspondence has taken place with NH and it is clear that the applicant has engaged constructively and cooperatively in seeking to address the matters raised. Notwithstanding this, it remains the appellant's position that the information requested by National Highways would be more appropriately secured through a planning condition, as it is not necessary for the local planning authority to make a determination of the acceptability of the advertisement consent application itself, within the confines of the matters it is constrained to by the Regulations and National Planning Practice Guidance.

1.10 In particular, the requests relating to the structural integrity of the advertisement extend beyond the scope of information reasonably required to enable the Local Planning Authority to determine an application for advertisement consent. The appellant therefore considers that these matters can be satisfactorily addressed, if necessary, at a later stage through appropriately worded conditions, without prejudicing the assessment of the application in line with the matters outline in the Regulations.

2.0 Site and Surroundings

2.1 The appeal site is a strip of unmanaged grass land adjacent to A27. The proposed digital advertisements will be located on land to the north of the A27, A 40mph dual carriageway road, adjacent to the ScS Worthing sofa store. The proposed display would be orientated to face eastbound road users on the A27 but would also be visible to northbound road users on Sompting Road.

2.2 The surroundings are predominantly commercial, with the Downlands Retail Park located to the north and a restaurant to the west. The nearest dwelling to the proposed display is located approximately 35m to the south. No residential properties directly face the proposed display.

2.3 The Site is not within a conservation area or within the context of one. There are no nationally listed buildings close to the Site. In accordance with the newly published ILP Guide PLG 05/23, the proposal would fall into the Environmental Zone 3 (Sub-urban) classification.

3.0 Appeal Proposal

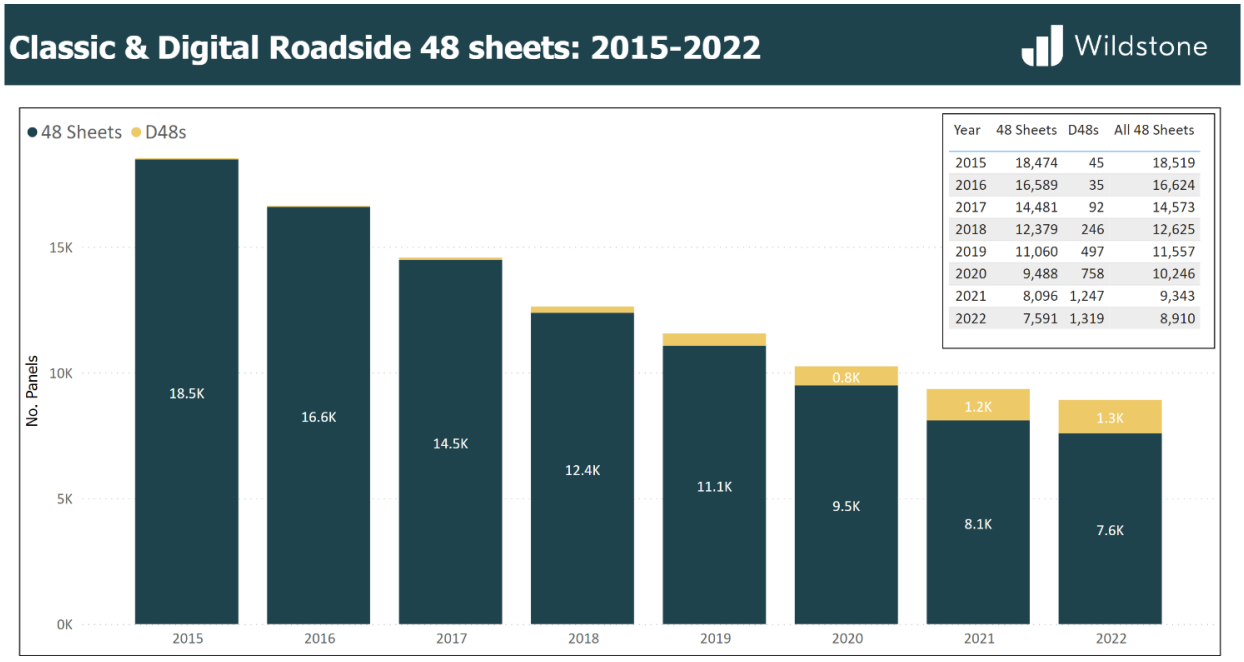
3.1 The application for advertisement consent, ref: AWDM/0761/25, sought to erect a digital display at land north of A27, Red Square Retail Park. The D-Poster has the same dimensions as a standard 48-sheet display, measuring 6m(w) x 3m(h) x 0.061m (d) and will be positioned 2.5m above ground. The proposed new display technology is lightweight, durable and efficient and can be easily erected with minimal engineering. In most instances the erection of a D-Poster can be achieved at a similar speed to traditional posting, with minimal structural work. The quality of the image produced will mimic that of a traditional poster and paste display.

3.2 Only static images (i.e. no moving images or flashing lights) will be displayed, but the advertisement will be capable of changing to display new adverts every ten seconds. This is in line with industry standard units of advertising space for sale, and in compliance with the outdoor media code. The changeover between adverts will take place instantly with no fading or other effects in order to minimise the potential for driver distraction and to reduce the effect of flashing images.

3.3 The proposed digital poster will be controlled by light sensors to vary the brightness of the screen according to the brightness of the day. During daytime hours, the brightness of the screen will reduce automatically when ambient lighting conditions are less bright. This will ensure that the level of luminance of the advertisement is sensitive to the change in daytime from sunrise to sunset and from summer to winter. Please see Appendix 5 for examples of the digital display panels in different lighting conditions.

3.4 There has been an overall reduction in the volume of advertising panels over an extended period of time, even though the number of digital sites is increasing as shown in **Figure 3** below.

Figure 3: Reduction of 48 sheet advertisements 2015-2022



Year	48 Sheets	D48s	All 48 Sheets
2015	18,474	45	18,519
2016	16,589	35	16,624
2017	14,481	92	14,573
2018	12,379	246	12,625
2019	11,060	497	11,557
2020	9,488	758	10,246
2021	8,096	1,247	9,343
2022	7,591	1,319	8,910

Source: Wildstone Group

3.5 At present, there are over 1,300 digital 48-sheet advertisements across the UK, which is up from just 45 in 2015. However, over the same period the number of poster and paste 48 sheets has more than halved, from 18,519 to 8,910. This is a total reduction of 8,335 panels nationwide, demonstrating a clear pattern of rationalisation and decluttering associated with digital upgrades. Since this project began over 700 consents have been granted for digital advertisements across the UK.

Conditions

3.6 It is imperative that digital displays are appropriately controlled to ensure that they are acceptable in amenity and public safety terms. Outsmart, the advertising industry body (formerly the Outdoor Media Centre) has sought to self-regulate by introducing a code of practice that restricts the operation of digital displays adjacent to the highway to static images only, on a rotation of on advert every ten seconds, with a rapid change between images. The ILP Guidelines have also been widely adopted as a means of controlling the night time luminance of advertisements. This industry standard forms the basis for conditions applied to the majority of digital advertisement consents.

3.7 In accordance with the current best practice approach, the D-Poster displays operate with a system of threshold controls, timers and light sensors to ensure that the luminance never exceeds the ILP guideline figure at night time, with lower thresholds set on more sensitive sites.

3.8 During the daytime the screen is able to adjust according to changes in the ambient light, ensuring that the brightness decreases in low light conditions.

3.9 The following conditions were proposed at application stage and are maintained for the appeal proposal:

1. The intensity of the illumination of the sign permitted by this consent shall be no greater than 300cd/m2 in the hours of darkness. During the daylight hours the luminance shall be controlled by sensors and/or timers to reflect ambient light conditions. At all times the display shall operate within that recommended by the Institution of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement guide).

   Reason: In the interests of amenity and in order to retain effective planning control.

2. The minimum display time for each advertisement shall be no less than 10 seconds;

   Reason: In accordance with industry code of practice and in the interests of amenity and public safety in order to retain effective planning control.

3. Changes between advertisements to take place instantly with fade effect and no other sequencing, fading, swiping or merging effects;

   Reason: In the interests of amenity and public safety in order to retain effective planning control.

4. No individual advertisement displayed shall at any time contain moving images, animation, intermittent or full motion video images, audio, directional symbols or any images that resemble road signs or traffic signals.

   Reason: In the interests of amenity and public safety in order to retain effective planning control.

5. The advertisement display shall at all times contain a feature that will turn the display off (showing a black/blank screen) in the event of malfunction or error.

   Reason: In the interests of amenity and public safety in order to retain effective planning control.

3.10 While the above conditions are still relevant for the poster, new model conditions are attached to highlight the new standard conditions that are acceptable to the appellant. The suggested conditions are considered to be appropriate for all digital advertising sites.

4.0 Benefits of Digital Advertising

4.1 The attractiveness of digital advertising to an infrastructure provider is that it allows the advertising network to be better managed, monitored and maintained. For operators the inherent flexibility allows smarter real time campaigns and better control over sales. These factors manifest in wider public benefits as summarised below:

- Tidy and well maintained sites and bio-diversity net gain where the site allows;
- Uplift in business rates to spend on public services;
- Reduction in vehicle trips and association noise, air quality and climate considerations;
- Removal of multiple advertising sites and panels and reduction in clutter;
- Reduction in waste involved in the poster production process;
- Greater flexibility to enable better access to advertising displays for local businesses;
- Platforms to broadcast emergency messaging; and
- Opportunity to integrate additional hardware to meet Smart City objectives.

5.0 Planning Policy

5.1 The legislative framework for the control of advertisements is contained within The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the "Regulations"). Regulation 3 states that advertising should be controlled in the interest of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, in addition to any other relevant factors.

5.2 The National Planning Practice Guidance (NPPG) describes the approach of advert consent as a "lighter touch" than the system for obtaining planning permission for development. The NPPG also clarifies that a local plan does not have to contain advertisement policies and that if such policies are considered necessary to protect the unique character of a particular area, these should be evidence-based.

5.3 National Planning Practice Guidance states that "In practice, "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement".

5.4 The local planning authority cited the following policies that the proposal was contrary to:

- Policy DM5, DM6 and DM15 of the Worthing Local Plan;
- National Planning Policy Framework (2024)- superseded by NPPF (2026).

5.5 To summarise, policies of the local plan

- DM5 (Quality of the Built Environment)- This policy sets out that all new development should make a positive contribution to the sense of place, local character and streetscene. Development should also not have an unacceptable impact on the occupiers of adjacent properties.
- DM6 (Public Realm)- This policy highlights that express consent will only be granted for advertisements which respect the character and appearance of the surrounding area, and do not create a danger or hazard to public safety.
- DM15 (Sustainable Transport & Active Travel)- This policy focuses on promoting active travel and sustainable transport modes.

6.0 Grounds for Appeal

6.1 This section of the appeal statement sets out the grounds for this appeal in relation to the erection of an internally illuminated digital advertisement on land north of A27, Red Square Retail Park, following the refusal of advertisement consent, ref: AWDM/0761/25.

6.2 As set out above, proposals for advertisement consent should only be considered in terms of amenity and public safety. This proposal was refused on both grounds, each of which will be addressed below.

6.3 The decision notice stated the following reasons for refusal:

> *"01 The proposed digital LED billboard sign, which would display multiple static advertisements on rotation would, by reason of its size, design, positioning, location, and illumination, represent an unduly prominent and discordant form of advertisement out of keeping with the character and appearance of the streetscene and would result in adverse cumulative impacts when viewed in combination with existing signage. As such the proposal is contrary to policies DM5 and DM6 of the Worthing Local Plan and the relevant paragraphs of the National Planning Policy Framework.*
>
> *02 Insufficient information has been provided to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the strategic road network contrary to policy DM15 of the Worthing Local Plan and chapter 9 of the NPPF."*

Amenity

6.4 The proposed digital advertisement has been carefully designed to respect the character and appearance of the surrounding area and accords with Policies DM5 and DM6 of the Local Plan. Its scale, proportions and contemporary design ensure that it integrates appropriately within its commercial setting, against the flank elevation of a retail warehouse unit, and does not appear overbearing or visually intrusive. The display is positioned to serve its intended audience of passing motorists and pedestrians without dominating the wider streetscene.

6.5 The proposal would not result in any unacceptable material impacts on neighbouring residential amenity. The nearest residential properties are located approximately 35 metres from the proposed display. Due to this separation distance, together with the commercial context of the site and surrounding development, the advertisement will be experienced as part of the wider commercial environment of the retail park and A-Road network, rather than as a prominent feature in isolation. Consequently, the proposal would not adversely affect the living conditions of nearby residents.

6.6 In terms of cumulative impact, the proposed display has been carefully located to avoid visual conflict with the existing advertisement located on the elevation of the ScS store. Adequate separation is maintained between the two advertisements, ensuring that both advertisements can be viewed independently and preventing visual clutter. The overall composition of the streetscene would therefore remain broadly in keeping with its existing commercial context.

6.7 The display will be internally illuminated and equipped with brightness controls that respond to the ambient light conditions. This ensures that illumination levels remain appropriate throughout the day and night,

allowing the display to appear comparable to a traditional paper-and-paste advertisement during daylight hours. As a commercial operator has no benefit in over-illuminating the display.

6.8 During hours of darkness, the display will operate at a maximum luminance of 300 cd/m2, consistent with the Institute of Lighting Professionals guidelines for digital advertisements. This level of illumination is entirely appropriate within the well-lit setting. A comparison showing the appearance of the proposed display in relation to its surroundings is provided in Appendix 3.

6.9 The Officer's Report refers to the South Downs National Park; however, it lies more than 280 metres east of the appeal site and is separated from it by existing commercial infrastructure. Given the distance from the site, the National Park does not form part of the *immediate neighbourhood* of the proposed advertisement, as per the reference to this in the consideration of amenity in the National Planning Practice Guidance.

6.10 Overall, the proposed advertisement strikes an appropriate balance between facilitating modern advertising requirements and safeguarding the visual amenity of the area. Through its proportionate scale, appropriate siting, controlled illumination and high-quality design, the display would sit comfortably within its commercial surroundings without harming the character of the locality, either exclusively or in combination with existing signage. The proposal therefore accords with Policies DM5 and DM6 of the Local Plan.

Public Safety

6.11 The Officer's Report identifies National Highways' request for additional information relating to the structural integrity of the proposed freestanding advertisement as one of the reasons for refusal.

6.12 The Appellant has engaged positively and constructively throughout the application process in seeking to address National Highways' concerns. However, it remains the Appellant's position that the information requested relates to matters of detailed engineering design and implementation, rather than the principal considerations relevant to the determination of an application for advertisement consent.

6.13 The appellant's position is that the information requested by National Highways, if necessary, would be more appropriately secured through a planning condition, as it is not necessary for the determination of the advertisement consent application itself.

6.14 Furthermore, the extent of information requested is not considered proportionate to the scale and nature of the proposed development. Similar requirements have not been sought by other local planning authorities in relation to comparable advertisement proposals in similar proximity to trunk roads prior to determination. Policy DM3 of the National Planning Policy Framework (NPPF) advises LPA to apply a proportionate approach to planning matters, reflecting the scale, complexity and potential impacts of the proposal should be taken.

6.15 In respect of highway safety, the submitted documents comprehensively demonstrate that the proposed digital advertisement would not result in significant changes to driver behaviour, nor would it create highway safety risks. The assessments conclude that, with the proposed mitigation measures and operational controls in place, the existing road safety baseline would remain unaffected.

6.16 The advertisement is restricted to static imagery with controlled display durations and fade transitions. The display will not incorporate flashing content, animation, rapid image changes or other features that could distract drivers. Accordingly, the operation of the display has been carefully designed to minimise any potential impact on road users.

6.17 The site is located within a predominantly commercial environment characterised by existing street lighting along the A27 (Upper Brighton Road). The proposed digital display will be operated in accordance with the luminance limits recommended by the Institute of Lighting Professionals, ensuring that it appears comparable to a traditional paper-and-paste advertisement during daylight hours and is appropriately dimmed during periods of darkness.

6.18 The proposal has been designed with careful regard to its siting, orientation, brightness levels and display cycle. It would not obstruct visibility, interfere with road signage, traffic signals, or pedestrian crossings, nor would it introduce characteristics that would be likely to distract or confuse road users.

6.19 Taking these factors together, the evidence demonstrates that the proposed advertisement would not give rise to adverse impacts on public safety. The proposal therefore complies with Policy DM15 of the Local Plan and the relevant provisions of the Regulations.

7.0 Conclusion

7.1 In accordance with Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, advertisements should only be controlled where they are harmful to amenity or public safety.

7.2 Overall, the scale and siting of the proposed display allows a clear separation, preventing visual clutter and ensuring the overall scene remains coherent. The display will be located well within its surroundings without eroding the quality of the locality either in isolation or cumulatively with nearby signage. The proposed digital display will have the capability to adjust its illumination levels throughout the day to match the ambient conditions, ensuring it does not appear overly bright.

7.3 The case as set out within this appeal statement confirms that with the appropriate controls in place, the proposed D-Poster will not result in any detrimental impacts on amenity of public safety. As such, it has been demonstrated that the proposed digital display is not contrary to policies and guidance set out in the Local Plan as well as the NPPF and NPPG.

7.4 It is also demonstrated that the additional information that is requested by National Highways is not considered proportionate or essential for the determination of this application.

7.5 To this end, it is respectfully requested that the appeal be allowed, and advertisement consent is granted for the proposed display.



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