

DEVELOPMENT MANAGEMENT

APPEALS LIST - 13TH NOVEMBER 2025

APPLICATION NUMBER & SITE ADDRESS

APPEAL REFERENCE & STATUS

OFFICER & PROCEDURE

DM/0568/23/OUT Land To The South Of Church Lane Humberston	AP/004/25 INPROG	Richard Limmer Written Representation
DM/0740/24/CEU 167 Hainton Avenue Grimsby North East Lincolnshire DN32 9LF	AP/006/25 INPROG	Bethany Loring Written Representation
DM/0208/25/FUL 160 Humberston Fitties Humberston North East Lincolnshire DN36 4HE	AP/012/25 INPROG	Emily Davidson Fast Track
DM/0900/24/FUL R/O 171 Mill Road Cleethorpes North East Lincolnshire DN35 8JB	AP/015/25 INPROG	Jonathan Cadd Written Representation



Appeal Decision

Site visit made on 7 October 2025

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2025

Appeal Ref: APP/B2002/H/25/3369536 196 Waltham Road, Grimsby DN33 2PZ

- 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 North East Lincolnshire Council.
- The application Ref DM/0294/25/ADV was approved on 3 June 2025 and express consent was granted for the display of an advertisement subject to conditions.
- The advertisement permitted is 1 freestanding internally illuminated digital screen.
- The condition in dispute is No 3 which states that:
 - (i) 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.
 - (ii) 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.
 - (iii) 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.
 - (iv) 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.
 - (v) 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.
 - (vi) The intensity of the illumination of the advertising unit permitted by this consent shall at all times accord with the thresholds set out in the Institute of Lighting Professionals publication "Brightness of Illuminated Advertisements"(PLG05:2015) and in particular the intensity of illumination from dusk until dawn shall not exceed 300cd m2.
 - (vii) The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermitted or video elements) of any kind, during or after the display of any advertisement.
 - (viii) The sequencing of messages relating to the same product is prohibited.
 - (ix) The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
 - (x) The advertisement shall avoid the use of phone numbers, web addresses and any advertisements that require excessive concentration to assimilate the information.
- The reason given for the condition is: To comply with Regulation 14 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

Decision

1. The appeal is allowed and advertisement consent Ref DM/0294/25/ADV for 1 freestanding internally illuminated digital screen at 196 Waltham Road, Grimsby DN33 2PZ granted on 3 June 2025 by North East Lincolnshire Council is varied by deleting part (x) from condition 3 to read;

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- (i) 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.
 - (ii) 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.
 - (iii) 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.
 - (iv) 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.
 - (v) 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.
 - (vi) The intensity of the illumination of the advertising unit permitted by this consent shall at all times accord with the thresholds set out in the Institute of Lighting Professionals publication "Brightness of Illuminated Advertisements"(PLG05:2015) and in particular the intensity of illumination from dusk until dawn shall not exceed 300cd m2.
 - (vii) The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermitted or video elements) of any kind, during or after the display of any advertisement.
 - (viii) The sequencing of messages relating to the same product is prohibited.
 - (ix) The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.

Procedural Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in the interests 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.

Background and Main Issue

3. Advertisement consent has been granted for a freestanding digital screen on the forecourt of the appeal site which comprises a petrol filling station. At the time of my visit the digital display was in situ, although it was not displaying any advertisements. I have considered the appeal on the basis that the digital display has already been installed.
4. Although reference is made in the appellant's statement to matters pertaining to illumination and the speed of advert changeover, it is clear that the matter in

dispute relates to part (x) of condition 3 that prevents the display of phone numbers, web addresses and other detail¹. The main issue is therefore whether part (x) of condition 3 is necessary and reasonable in the interests of public safety.

Reasons

5. The advertisement has recently been found to be acceptable by the Council in respect of its effects on amenity and public safety. Condition 3 was discussed by the parties prior to the consent being granted, including specifically part (x) which the appellant agreed to. Nonetheless, the Planning Practice Guidance (PPG) states that any proposed condition that fails to meet one of the 6 tests of conditions² should not be used. This applies even if the applicant suggests or agrees to it. The PPG goes on to advise that if a local planning authority decides to impose conditions on advertisement consents that are additional to the standard conditions, these must be supported by specific and relevant planning reasons³.
6. Criterion (x) was applied to condition 3 at the request of the Highway Authority due to concerns regarding advertisements containing detail that would require excessive eye dwell time to assimilate information. The Council is clear that the advertisement would not prejudice highway safety given its design, position and overall size. Moreover, the Highway Authority is unambiguous in its explanation that the road characteristics in the vicinity of the appeal site do not present particularly challenging conditions for a driver to contend with⁴.
7. I am advised that a speed indicator device (SID) has been installed nearby because of the non-compliance of drivers with the 30mph speed limit along this section of Waltham Road. Speeding thus appears to be a pre-existing issue. There is no suggestion in the information before me that it is occurring because of signage at the appeal site. Neither have I been presented with any evidence that there have been any personal injury collisions arising as a result of the speeding issues, such that this section of Waltham Road could be deemed dangerous.
8. The position of the digital display is such that it is directed to users of the petrol station forecourt where drivers would be on private land either stationary at the pumps, or moving slowly to negotiate into, out of and around the site. Although the display may be visible to drivers heading north along Waltham Road it is angled slightly away such that it is unlikely to be particularly distracting to drivers focused on the road ahead. Likewise, the display is set back behind the line of sight for drivers exiting right out of Wood Close. Although the road adjacent the appeal site is not straight, I nonetheless agree that its characteristics are not particularly complex so as to require a heightened degree of concentration.
9. There is already a proliferation of static advertisements on the forecourt of the appeal site. A number of the signs contained text or images of fine detail that would require a more detailed look to assimilate the information. There is no evidence to suggest that this existing signage whether authorised or not, has caused harm to public safety.
10. I am mindful that neither the Council nor Highway Authority objected to the digital display and the variance between the permitted scheme without part (x) of

¹ As explained at paragraph 1.3 of the appellant's statement.

² Paragraph: 003 Reference ID: 21a-003-20190723 of the PPG.

³ Paragraph: 034 Reference ID: 18b-034-20140306.

⁴ As stated within the Highway Authority consultation response to planning application DM/0294/25/ADV.

condition 3 would be little different. There is no convincing evidence to demonstrate that even if the digital advertisements were to contain detail such as phone numbers and web addresses, that they would be prejudicial to public safety including pedestrians or vehicles, in this particular context.

11. Therefore, I find that part (x) of condition 3 is neither reasonable nor necessary, having regard to the requirements of the Regulations and the tests for conditions. Its removal would not have a harmful effect on public safety.

Conclusion

12. For the above reasons, the appeal is allowed and I vary the express consent by deleting part (x) of the disputed condition.

M Clowes

INSPECTOR

Appeal Decision

Site visit made on 7 October 2025

by **M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Appeal Ref: APP/B2002/W/25/3359670

166 Weelsby Road, Grimsby DN32 8PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by N Driver against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0245/24/FUL.
 - The development proposed is residential development for 2 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the planning application form, as there is no evidence before me that the appellant agreed to the revised wording on the Council's decision notice.

Main Issue

3. Given the Council's reason for refusal, the main issue is whether the proposal would preserve the settings of nearby listed buildings and the effect on a non-designated heritage asset (NDHA).

Reasons

Special Interest and Significance of Heritage Assets

4. The contribution that the appeal site makes to the setting of nearby listed buildings is disputed by the parties. The curtilage of a heritage asset should not be mistaken for its setting, which is the surroundings in which it is experienced¹. Whilst visibility is important, setting is a broad term influenced by other factors, such as historical relationships between places and its extent may change as the asset and its surroundings evolve.
5. The appeal site comprises a parcel of undeveloped grassland with woodland planting to the periphery and southern portion. Despite some limited domestic planting and features such as a brick planting bed, the appeal site has a verdant, naturalised appearance.
6. The Council's evidence indicates that the appeal site lies within rather than adjacent to, the locally listed Weelsby Woods and Hamlet (the Woods)². It therefore forms part of a NDHA, the significance of which arises from being an

¹ As defined within Annex 2 of the Framework.

² As evidenced within the Council's Local List of Historic Assets of Special Interest 2015.

extensive area of open parkland and woodlands laid out as part of designed landscapes in association with Weelsby Old Hall (now demolished) and Weelsby Hall (the Hall). Although parts of the designation include buildings in private ownership as well as dwellings or educational facilities, the majority of the Woods are open to the public. The Listed Buildings contained within the NDHA complement the park and woods and make a positive contribution to its significance. The Woods thus have historical, aesthetic and communal value as a spacious, verdant public recreational area providing a rural character on the fringes of Grimsby's urban development. As an open, undeveloped parcel of land, the appeal site contributes positively to the significance of the NDHA.

7. The Hall and Gate Lodge are both Grade II listed buildings located to the west of the appeal site. The Hall dates from 1890 and is a grand 2-storey building designed in the Italianate style with a central 3-storey tower. Constructed of red brick in English bond under a slate roof, it contains fine architectural detailing including but not limited to, an arched ashlar porch, ground floor bay windows and 1/1 sashes, overhanging eaves with wood cornicing, carved ashlar panels and balustraded parapets. The special interest/significance of the Hall therefore derives from its age, historic fabric and the quality of its architectural features. Its parkland setting including a large lawned area to the front and woodland planting, also contributes to its significance as a former country house. Although this has been encroached upon by recent modern development, the parkland setting is nonetheless apparent.
8. The Gate Lodge as the name suggests is a small single storey building located at the entrance to the Hall's estate. Although plainer in appearance than the hall it is nonetheless an attractive building with shaped brackets to overhanging eaves, 1/1 sashes and a central brick canted bay window.
9. Both the Hall and Gate Lodge were built for George Frederick Sleight who the listing descriptions advise was one of Grimsby's greatest fishing magnates. Despite the lack of intervisibility between the two buildings arising from the presence of woodland planting, the construction, design, age and purpose of the buildings as part of a country estate occupied by a person of significant standing within the community, is of value and importance. Such architectural, historic and aesthetic qualities result in high significance and special interest.
10. The appeal site sits directly alongside the eastern boundary of the Hall's estate. The tree planting within the appeal site is the subject of a group tree preservation order (TPO). Although the reasons for the TPO are unknown, it is clear that the presence of the trees contributes to the rural, sylvan character of the Woods. These trees are clearly visible from within the grounds of the Hall adding to the parkland setting and sense of rurality. The appeal site therefore makes a moderate positive contribution to the setting of the Hall.
11. Weelsby Park Riding School (the Stables) is a further Grade II listed building located to the east of the appeal site. Built as the stable block for Weelsby Old Hall (the Old Hall) it comprises a 'U' shaped 2-storey building enclosing a yard area. It dates from 1864 and was constructed for Alexander Grant-Thorold whose initials are inscribed in the central stone plaque on the northern wing. Both buildings were

located in large grounds possibly incorporating Weelsby Park to the south as indicated on the 1887 map³.

12. The Old Hall no longer exists and seems to have been demolished post 1938⁴. The architectural style of No 166 Weelsby Road indicates this may have been built at a similar time. This resulted in the appeal site and the Stables coming under separate landownerships and today are separated by physical boundaries including a tall conifer hedge.
13. The Stables is a building of high status due to the attractive architectural detailing including central octagonal bellcote, segmental arched carriage entrances, square headed window openings with rusticated Gibbs surrounds and decorative brick dentil courses. Its significance largely arises from its historical interest, aesthetic composition and evidential value of a former estate. It also stems to a lesser degree from its setting. The rear elevation of the Stables is highly visible from Weelsby Road where it is viewed in the context of its lush, sylvan setting. Modern equestrian buildings now exist to the south providing more developed surroundings than once was the case. Nonetheless, such buildings are to be expected within a rural/countryside environment which is provided by the Woods.
14. Although the heritage assessment suggests there is no historical association between the appeal site and this listed building, the historic maps indicate that the appeal site formed part of the land associated with the Old Hall and the Stables. The 1887 map indicates that the appeal site comprised an area of woodland that was more extensive in coverage than the present time forming a shelter belt to the west of the Old Hall.
15. I acknowledge that the appeal site is separated somewhat from the Stables by No 166. However, as an undeveloped parcel of land, the appeal site also contributes to the wider countryside setting that surrounds the Stables. The appeal site thus makes a more limited but nonetheless positive contribution to the setting of the Stables.

Effects of the Proposal

16. The proposed development would see the open grassland section of the appeal site subdivided to accommodate 2 large dwellings and their associated gardens, access drives and garages. Plot one would contain a large 3-storey dwelling with 2 steeply sloping gables forming distinct architectural features linked by a central recessed atrium. Reaching 11.1m high⁵ the proposed dwelling would be of a significant height and a distinctive form.
17. In contrast, plot two would contain a lower 2-storey dwelling with an angled footprint attached by a central link to a single storey wing. It would differ markedly in form, design and layout to Plot one and No 166 Weelsby Road and would result in a sprawling form of development.
18. Although the surrounding trees would filter views and offer a degree of screening for the proposed dwellings, I cannot be certain from the evidence before me that this would be the case all year around. In any event, there are gaps in the planting such that there are views from within the grounds of the Hall into the appeal site

³ Provided at Figure 17 of the Heritage Statement.

⁴ Noting the building appears on the 1938 map supplied at figure 20 of the Heritage Statement.

⁵ As cited in the Council's Officer Report.

and vice versa. Such views would open up more when the deciduous trees are not in leaf.

19. In addition, the Stables roof and bellcote are visible from the appeal site as shown in figure 16 of the Heritage Statement and it is likely that the undeveloped nature can be appreciated from the first-floor windows in the eastern wing of the Stables despite the presence of the tall hedge. In any case, listed buildings are safeguarded for their special interest regardless of whether public views are available. Given the scale and height of the proposed dwellings particularly that of plot one, the built form and domesticated land would be evident from the grounds of the Hall, as well as the rooftops to a lesser extent the upper floor of the Stables.
20. The proposal to lower the fence along the front boundary of the appellant's land would also open up views into the site. Whilst the proposed development would relate to a relatively small parcel of land when compared to the NDHA as a whole, it would nonetheless erode the spacious, verdant, historic landscape and result in the incremental creep of built development that may be visible from the main road. It would harmfully dilute the legibility of the NDHA as a former parkland which has already experienced encroachment from built development to the west.
21. The proposed dwellings would not be the type of architecture expected within a historic setting being conspicuous and dominant by virtue of their design, form and in the case of Plot one, height. A domestic and overly suburban development would ensue, creating a developed wedge that would diminish the contribution the open, verdant site makes to the significance of the NDHA. The proposal would also adversely affect the setting of the listed Hall and the Stables. Thus, the development would not preserve the rural parkland setting of the listed buildings nor the NDHA. The dwellings would be permanent structures such that the harm arising would endure for the lifetime of the development.

Heritage and Planning Balance

22. Paragraph 216 of the Framework states that the effect of an application on the significance of a NDHA should be taken into account in determining the proposal. In respect of proposals that directly affect NDHA's, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposal would cause moderate harm to the NDHA through the introduction of uncharacteristic suburban development into a verdant and historic landscape.
23. The degree of harm to the significance of the Hall would in terms of the National Planning Policy Framework be at the medium to lower end of less than substantial harm. The harm to the Stables would be at the lower end of less than substantial harm. However, these harms should not be equated with less than substantial objections and are of considerable importance and weight. Under such circumstances paragraph 208 advises that this harm should be weighed against the public benefits of the proposal.
24. The appellant suggests that the updated Framework may affect housing need, but no substantive evidence has been provided to demonstrate that the Council cannot currently demonstrate a five-year housing land supply. Accordingly, I cannot be certain that paragraph 11d(i) of the Framework should be applied.

25. The proposal would result in the construction of 2 family-sized dwellings that would boost local housing land supply in an accessible location. Economic and social benefits would flow from the construction of the dwellings, as well as from future occupiers supporting local services and facilities. However, such benefits would be modest given the limited number of dwellings proposed.
26. The proposal would fail to preserve the settings of the listed buildings and it would also harm the significance of the NDHA. Consequently, the overall modest weight of public benefits which accrue from the proposal, would be insufficient to outweigh the harm identified, to which considerable importance and weight must be attached. There would be conflict with paragraph 206 of the Framework, as the harm identified does not have clear and convincing justification. The proposal would also conflict with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan (2018). Together these policies seek to ensure that new development respects its context and protects the significance of heritage assets including their setting, through consideration of matters including scale, design and siting.

Other Matters

27. I acknowledge that extensive grounds may be problematic for the appellant and that they may no longer have any need for them. However, that does not justify harmful development within a historic setting. No evidence has been provided to substantiate the concerns about crime, and even if further dwellings were to increase surveillance, this would not outweigh the harm to the historic environment.
28. Although the scheme has been reduced since a previous iteration for 4 dwellings,⁶ I am not satisfied from the evidence presented, that the appeal site can accommodate development of the amount and scale proposed without harm to the designated and non-designated heritage assets for the reasons given.

Conclusion

29. The proposal would conflict with the development plan and there are no material considerations including those within the Framework, which indicate that a decision should be made otherwise than in accordance with it. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR

⁶ Planning application DM/0143/22/FUL for the erection of 4 dwellings.