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Appeal Decision Notice

Decision by Jane Smith, a Reporter appointed by the Scottish Ministers

- Advertisement appeal reference: ADA-270-2003
- Site address: IMO, Longman Road, Inverness, IV1 1RY
- Appeal by Wildstone Estates Ltd against the decision by Highland Council
- Application for advertisement consent 25/02948/ADV refused by notice dated 19 September 2025
- The advertisement proposed: erection of digital advertisement hoarding
- Date of site visit by Reporter: 20 January 2026

Date of appeal decision: 2 February 2026

Decision

I dismiss the appeal and refuse advertisement consent.

Reasoning

1. Regulation 4(1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 limits the exercise of the powers of control of advertisements solely to the interests of amenity and public safety, and these matters are elaborated in regulation 4(2). The council refused the proposal on the grounds of amenity and public safety, and I consider these to be the determining issues in this appeal.
2. The proposal would be within a commercial and industrial area, in the southwest corner of the IMO car wash site. Lorimer's restaurant is to the north, with the BP/M&S filling station farther north and Kwik Fit to the south. Police Scotland offices and Inverness Sheriff Court sit across Longman Road to the west. The hoarding would face southwest toward car-wash users and northbound traffic. The car wash is currently advertised by a non-illuminated freestanding sign. The BP garage displays an illuminated sign, and Kwik Fit has both illuminated and non-illuminated signs. There are no residential properties nearby.
3. The digital hoarding would stand directly in front of the shared boundary fence with Lorimer's Restaurant. The digital display would be single-sided, measuring 6 metres wide by 3 metres high, but mounted 1.5 metres above ground, giving an overall height of 4.5 metres. A tree within the restaurant grounds is located close to the proposed position.

Effect on public safety

4. The council is concerned that a 6-metre wide digital screen on one of Inverness's busiest roads could create a hazard. However, the appellant notes that drivers approaching from the north have long, straight sightlines, that the display would not use moving or

flashing images, and that there have been no recorded accidents nearby in the last five years.

5. At my site visit, I found that although the proposed digital hoarding would be prominent, it would not obscure traffic signs and would be positioned on a straight section of road with clear visibility. Within the car-wash site, I agree with the appellant that vehicle speeds are low and that the display would be unlikely to increase risk. I also note that Transport Scotland raised no objection, subject to conditions to reduce distraction or dazzle to drivers on the trunk road and to ensure that traffic safety is not diminished. I am satisfied that the conditions as suggested by Transport Scotland and the council would adequately address such matters.

6. Overall, I find that the proposal, subject to conditions, would not harm public safety.

Effect on amenity

7. While I acknowledge the appellant's argument that this is a wholly commercial area, I consider that this does not remove the need to ensure that new advertisements avoid undue harm to amenity. I have considered the council's concern regarding the size, design, and prominence of the proposal, and its likely effects on Lorimer's restaurant, on the existing tree and on wider vistas along Longman Road.

8. At my site inspection, I noted that the existing 2-metre boundary fence already restricts part of the restaurant's outlook. However, the proposed panel would rise well above this fence and above the roofline of the restaurant's glazed gable annex. In my view, it would appear as a substantial and intrusive structure at very close range. I have also reviewed the shadow diagram submitted with the application. It indicates that the southern part of the conservatory would be in shadow during winter, separate from any shadow cast by the nearby tree, and similarly shaded on summer evenings. I therefore conclude that the proposed advertisement hoarding would significantly overshadow part of the restaurant.

9. While the appellant states that leaving the rear face of the display blank would minimise its impact on the restaurant's amenity, I do not agree. In my view, the impact arises from the mass, height and proximity of the structure itself, and a blank rear face does little to mitigate these effects.

10. I am of the view that the existing tree provides valuable softening within an otherwise built-up location. I find that the scale of the hoarding would visually dominate the tree and substantially reduce the amenity value it currently offers.

11. The evidence before me also indicates that the proposal would form an unduly prominent feature in the wider streetscape and in longer views, thereby detracting from the amenity experienced by nearby businesses and by pedestrians, cyclists and drivers travelling along Longman Road.

12. Overall, I find that the proposal would have a significant adverse effect on amenity.

Other matters

13. The council has referred me to NPF4 policies 14 (Design quality and place) and 24 (Digital infrastructure), the Highland-wide Local Development Plan (HwLDP) 2012 policies 28 (Sustainable design) and 29 (Design quality & place-making), the Inner Moray Firth Local Development Plan 2 (IMFLDP2) (2024) policy 8 (Placemaking), and the Highland

Council Shopfront Design Guide (2018), which it considers the proposal conflicts with. Reference has also been made to Scottish Government guidance, including Designing Streets and Creating Places. The appellant has referred me to additional policies including NPF4 policy 7 (Historic assets and places) and IMFLDP2 policy 7 (Industrial land). As this is an advertisement consent appeal, the development plan does not have primacy, however I have had regard to these policies where they are relevant to amenity and public safety.

14. The appellant suggests that conditions relating to brightness, display duration and image transitions could be applied. While such conditions would manage aspects of the display's operation, they would not overcome the principal amenity concerns that I have found would arise from the scale, height and proximity of the structure to the neighbouring restaurant and the surrounding area.

15. I acknowledge the appellant's examples of existing digital advertisements elsewhere; however, I do not consider these to be directly comparable to the proposal before me. I am required to assess the proposal on its individual merits.

Conclusions

16. For the reasons outlined above, I find that the proposal would be harmful to amenity, and advertisement consent is therefore refused. I have considered all other matters raised, but there are none which would lead me to alter my conclusions.

Jane Smith

Reporter