

Appeal Statement

**Proposal: Installation of New BT Street Hub and Associated Display
of Advertisement Panels to Both Sides of the Unit.**

SUR-11

**Footpath outside, 30 West Street, Horsham, RH12 1PB
(E: 516980 N: 130648)**

Horsham District Council

DC/26/0180 and DC/26/0181



**Submitted on behalf of BT (the appellant)
by**

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1.0 Introduction

The Appeal

- 1.1 This submission is a view of the planning matters relating to the proposal based on the information provided by third parties. All technical and background information, which forms part of this submission, is assumed to be factually correct and accurate.
- 1.2 Telent has been instructed by BT Plc to appeal against Horsham District Council's decision to refuse planning permission (LPA Ref: DC/26/0180) and express advertisement consent (LPA Ref: DC/26/0181) for the *Installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit*. The application for full planning was refused by Council on 27 July 2026 and the application for express advertisement consent was refused by the Council on 09 July 2026, for the following reasons:

Full Planning

1. *The development, by reason of its scale, illumination and siting within a prominent location on West Street, would appear visually intrusive and would introduce a harmful degree of visual clutter into the street scene. The development would fail to respond positively to the character of the town centre and would detract from the quality of the public realm and the setting of the nearby Conservation Area. The development would therefore result in unacceptable harm to the character and appearance of the locality, contrary to Policies 14, 32, 33 and 34 of the Horsham District Planning Framework (2015) and Policies HB3, HB4 and HB7 of the Horsham Blueprint Business Neighbourhood Plan.*

Express Advertisement Consent

1. *The advertisement, by reason of its scale, illumination and siting within a prominent location on West Street, would appear visually intrusive and would introduce a harmful degree of visual clutter into the street scene. The advertisement would fail to respond positively to the character of the town centre and would detract from the quality of the public realm and the setting of the nearby Conservation Area. The advertisement would therefore result in unacceptable harm to visual amenity, contrary to Policies 14, 32, 33 and 34 of the Horsham District Planning*

Framework (2015) and Policies HB3, HB4 and HB7 of the Horsham Blueprint Business Neighbourhood Plan.

The images below show both an aerial view and street view of the appeal site

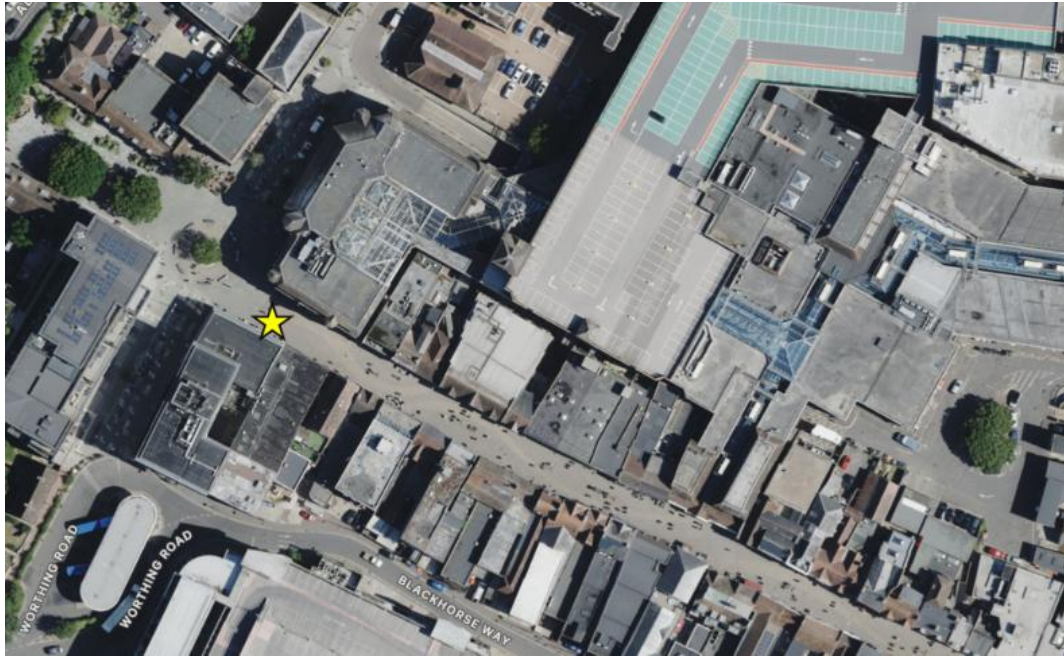


Figure 1 - Aerial View of appeal site



Figure 2 – Street view of appeal site

- 1.4 The appellant's case comprising a number of interrelated sections which will:

- describe the appeal site and surroundings in respect of visual character of the area (Section 2),
 - provide a background to the street Hub project for the appeal proposal and general statement in respect of health and safety issues (Section 3),
 - describe the regulatory framework and planning policy framework, in relation to the proposal, in terms of both the national and local policy (Section 4),
 - focus on the grounds of appeal and the Council's reason for refusal (Section 5),
 - other relevant planning appeal decisions (Section 6), and
 - submit our conclusion (Section 7).
- 1.5 Reference will be made to the background papers that comprise the application and further information attached as appendices to this statement (if applicable), and it may expand on the documentation to support an opinion.
- 1.6 A separate appeal will be made to the accompanying application refused by the Council at this appeal site.

2.0 Application Proposals and Appeal Site Description

Application Proposals

- 2.1 The relevant application proposals was for the installation of a new Street Hub with associated display of advertisement on either side of the unit at the location outlined below. In 2017, BT started working as part of an exclusive partnership with InLinkUK to ensure communities in urban areas throughout the United Kingdom are well-served in the digital age through the roll out of 'InLink' units. These were developed and deployed to replace and rationalize the existing network of payphones.
- 2.2 Through collaboration with councils, BT helped in creating a service that revolutionized streetscapes and helped in providing a connected city solution that delivers the fastest and most robust free public Wi-Fi service in the UK. Councils across the UK have used the InLink units to meet key challenges head-on, upgrading local infrastructure, tackling the digital divide, and freeing the street(s) from unnecessary furniture.
- 2.3 Unfortunately, InLinkUK (who were supplying the units to BT within the partnership) went into administration in 2019, and, as such, the InLink product is no longer available. Since then, BT have been working on a new and improved unit - the 'Street Hub' (see image 3). The Street Hub has all the existing benefits of the previous InLink unit, but has improved Wi-Fi range, environmental sensors, insight counting and small cell mobile connectivity. This addition of the 5G small cells to Street Hubs is very much in line with current UK Government's guidance on communications infrastructure and the National Infrastructure Strategy. Consequently, when installed, residents, local businesses and visitors will get a faster, more reliable connection for calls and internet access.
- 2.4 Additionally, these new units will be monitored 24/7, with weekly inspections and a minimum of bi-weekly cleaning services to keep the unit to a high standard of finish within the existing streetscape. All units will be fitted with a direct 999 call button to aid in the efficiency of operations of the emergency services, with emergency (i.e., Police) awareness messaging shown via their advertising screens on either side of the unit. Furthermore, Street Hubs are powered by 100% renewable carbon-free energy, making them sustainable and durable for years to come.

- 2.5 Whilst the main function of the Street Hub is to provide free electronic communications services, the funding of such services, whilst not being at the expense of the public purse, requires commercial viability and this is provided by the advertising revenue from the integrated LED digital screens, one located either side of the Street Hub unit. Separate applications for full planning for the proposed Street Hub unit as well as for express advertisement consent were submitted to the Council and duly refused. The accompanying application refused forms the subject of a separate appeal under the relevant consenting regime, as outlined in the foregoing section.
- 2.6 The location of the appeal site is shown in the drawings forming part of this appeal and as submitted to the Council.



Figure 3 – Evolution of BT telephone kiosks.

Appeal Site Description

- 2.7 The appeal site comprises a section of pedestrianised highway on West Street in Horsham town centre, positioned outside of the commercial property currently occupied by Evapo vape shop and the former Poundland building (currently vacant). While vehicular movements are permitted elsewhere on the adjacent roads of Horsham town centre, access (including cyclists) is prohibited along West Street and as such is a pedestrian only thoroughfare.
- 2.8 Designated as being within the settlement's 'Shop' boundary in accordance with adopted Local Plan policy HB6 – Vitality & Viability of Town Centre, the

streetscene at this point of Central Horsham is that of a highly commercial retail centre, with a wide range of shops, cafes, restaurants, bars etc. at ground floor levels of tall multi-storey buildings on both sides of the pedestrianised highway. Further mixed uses nearby include the Swan Walk Shopping Centre which hosts circa 50 stores, services and restaurants including well-known High-Street brands and smaller independent outlets. Car parking for over 900 spaces is also available. It is also worth noting Horsham Train Station is found a short distance North of the site, which further contributes to the prevailing bustling nature of this modern locale.

- 2.9 Whilst not located within the designation's boundary, it is important to highlight that the Horsham Town Centre Conservation Area is approximately 60m East of the application site. Covering much of settlement's central area. The Grade II Listed buildings at 21, 21A and 22, West Street are also located on the boundary of this designation.

3.0 Background to the Street Hub Project in the Council Area: Need for the Site

Need for the site

- 3.1 It is important to note from the outset that this appeal forms part of an overarching project to replace some of the existing BT kiosks that will improve the public realm by upgrading them with the modern Street Hub. The existing payphone kiosks in the town that are each reaching the end of their optimum functional state and as noted above, the Street Hub is the next phase of rolling replacement that has been ongoing for over 100 years. This appeal considers that it is of the utmost importance to highlight that BT has an Electronic Communications Code license and Universal Service Obligation (USO) governed by Ofcom to provide and maintain publicly accessible call boxes on the street, irrespective of whether or not there is a perception that they are used or not.
- 3.2 The proposed development is a freestanding Street Hub unit that forms an integral part of a new country-wide network, based on upgrading the existing BT (the appellant) estate of public call boxes. In terms of roll-out, where possible and practicable, it is proposed to install Street Hubs either as a direct replacement for existing BT payphones, or in very close proximity to such payphones. Where there are no existing telephone kiosks that can be removed in the surrounding area, sites are chosen on the principle of telecommunications equipment that has been long established within this general location. This appeal proposal is part of a wider rollout of Street Hub units and will bring forward significant social, economic and technological benefits to the public. The proposed Street Hub's will help to deliver a comprehensive network of connectivity within the area whilst enhancing the functionality of the Council's street scene and use.
- 3.3 It is contended by the Appellant that in their determination of the applications, the LPA overestimated their consideration in respect of visual amenity concerns to the town centre and nearby Conservation Area, particularly when considering the existing street scene and position of the unit within a highly commercial context. The Appellant considers that, in the Council's assessment against the relevant development plan policies, insufficient consideration was given to the benefits of the electronic communications infrastructure in the planning balance, particularly when weighed against the perceived visual harm to the locale. The Council also failed to give sufficient consideration to the existing advertisements in the

vicinity, including those associated with the ground-floor commercial tenancies which also include modern architectural features. These existing features reinforce the established commercial context of the area, where advertising displays are prominent within the street scene and are reflective of the character of modern setting in such areas.

3.5 It is considered that modern cities and their inhabitants and visitors expect high level mobile communications network technology, whether this be Wi-Fi, or mobile services networks. The fact that free W-Fi network is to be provided in the Council area via the Street Hub has not been given due weight by the Council in their determination of the Street Hub's visual impacts is contended. This Wi-Fi communications network would be free to the user and would not cost the Council to install or maintain. The main benefits as a result of the street hubs could be summarised as follows;

- Ultrafast public and encrypted Wi-Fi
- Access to public services
- Multiple accessibility options
- Powered by 100% renewable carbon-free energy
- Inspected weekly and cleaned at least every two weeks, monitored 24/7
- Secure power-only USB ports for rapid device charging
- Free phone calls Direct 999 call button
- Display community and emergency (i.e. police) awareness messaging
- Improved 4G and 5G coverage to local communities (through the installation of small cells if/when required by operators)
- 876 hours of free council advertising per unit per year
- Ability to house IoT sensors such as air quality, traffic etc.

3.6 Whereas 30 years ago, BT's public obligation was to provide access to universal communications by the means of a landline telephone. In 2025, the nature of telecommunications has changed and the public service is Wi-Fi, free telephone calls and other functions that the Street Hub will provide. We consider that BT's agreement with Ofcom addresses this issue, as the proposal is to replace existing BT kiosks and that the proposal should not be considered as a positive development on that basis. However, it is important to state that each existing kiosks are not being individually replaced and each proposal has been made in a measured way that provides the optimum service and does so in as sensitive a manner as possible. These benefits in addition to those provided by a traditional BT payphone should be given significant weight in the planning balance as required by the development plan and policy guidance in NPPF (2024)

against the consideration of any visual harm that may be predicted due to the alleged prominence of the Street Hub.

- 3.7 The proposed Street Hub's will help to deliver a comprehensive network of connectivity within the borough whilst enhancing the functionality of the Council's streetscene and use. This appeal statement will provide a comparative assessment of the positive benefits and negative impacts associated with the development to reinforce our view that this proposal should be supported and the appeal should be allowed.

4. Planning Policy Framework

- 4.1 In accordance with the planning act the consideration in terms of the appeal proposal's determination regard should be had of the development plan and it determined accordingly unless material considerations indicated otherwise.

National Planning Policy and Guidance

Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out the Government's advertisement control planning policies for England and how these are expected to be applied and is considered to be a material consideration for the Express Advertisement Consent application. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) state the following specifically in relation to advertisement control:

PART I – Section 3

Powers to be exercised in the interests of amenity and public safety

- 3.—(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—
- (a) the provisions of the development plan, so far as they are material; and
 - (b) any other relevant factors.
- (2) Without prejudice to the generality of paragraph (1)(b)—
- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
 - (b) factors relevant to public safety include—
 - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

- (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.
- (4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

National Planning Policy Framework (December 2024)

Planning policy is provided at the national level by the National Planning Policy Framework (NPPF). It is a material consideration in planning decisions. The NPPF is pro – development with a ‘presumption in favour of sustainable development’ seen as a golden thread, running through both plan making and decision taking’. The thrust of this guidance is positive and a reminder to LPAs that we need to build the requisite infrastructure to enable economic growth.

In this regard the Framework can be summarised as follows:

- Government policy is to support high quality communications infrastructure and systems as essential for sustainable economic growth;
- Government policy is to keep the inevitable environmental impact associated with electronic communications development to a minimum;
- The best way to minimise environmental impact is to avoid the unnecessary proliferation of new radio masts and sites;
- The starting point for planning new networks or the expansion of existing networks is therefore to use existing electronic communications sites as and when applicable;
- The emphasis on minimising environmental impact is greater per the sensitivity of the site. The emphasis on exploring and utilising site sharing opportunities is consequently higher in these circumstances;

- Best practice encourages a consultative approach and one that seeks to minimise potential visual impact and
- Great weight should be given to conserving landscape and scenic beauty in certain specified designated landscapes, e.g. National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, etc.

The NPPF as a whole is aimed at encouraging a more positive approach to town planning. While the NPPF builds environmental protection into the definition of sustainable development, there is also a very clear emphasis that local planning authorities should be looking for ways to help development come forward and not reject applications simply on environmental grounds. This is emphasised in paragraph 10 of the NPPF, which states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. The NPPF recognises that this is especially relevant where a development might have other significantly important benefits such as being essential to meet, for example, enhancement and improvement to existing communications infrastructure.

Paragraph 11 of the NPPF state that for 'decision-making', the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

As such, development proposals that accord with the provisions of the Development Plan should be approved without delay. In respect of this guidance, the following sections of this statement demonstrate that the proposed development accords fully with all relevant Development Plan and NPPF policies and, therefore, permission should be granted for the development.

The importance of the proposed development in providing the upgrading and enhancement of the existing public phone kiosk network is clearly an important material planning consideration as it directly supports sustainability and is also precisely the type of new digital infrastructure that the NPPF is seeking to support. The development proposed is comparatively small scale, sited where the principle of telecommunications development has been long established and therefore accepted, designed in a way that is predominately consistent with the existing infrastructure setup and so should be acceptable in every respect.

However, for completeness we still highlight some of the key points within the NPPF as they help demonstrate why the application should be permitted:

Paragraph 7 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. It then states that: *“At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.” [our emphasis];*

Paragraph 20 advises that strategic policies should *“make sufficient provision for.....telecommunications” and that it should “be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances”*

Paragraph 38, on “decision-making” states that authorities should *“work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

The NPPF builds on the aspiration to build a strong, competitive economy. Paragraph 85 states: *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking in to account both local business needs and wider opportunities for development. The approach taken, should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation....’*

As highlighted previously, the NPPF directly addresses the need for enhanced wireless communication services, first mentioned in paragraph 20, which states that an LPA's strategic policies must make sufficient provision for:

“b) infrastructure for transport, telecommunications (our emphasis), security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)”

Leading on from this, paragraph 119 states that *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time.....”*. This wording echoes guidance set out in previous version of NPPF and emphasises the importance of reliable communications infrastructure for both economic growth and social well-being.

While supported, paragraph 120 of the NPPF retains the requirement to minimise the number of installations consistent with the efficient operation of the network but also includes being consistent with the needs of consumers and providing reasonable capacity for future expansion.

Paragraph 123 retains the guidance set out in previous versions of the NPPF version and states that *“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”*.

As can be seen from the above, the NPPF clearly acknowledges the benefits of modern electronic communications and seeks to encourage such development as being essential due to their role in supporting a modern economy, contributing to sustainable objectives, and enhancing local community access to a range of goods and services. Local planning authorities are advised to respond positively to proposals for electronic

communications development and this must include an understanding of the associated special problems and technical needs of developing and upgrading communications networks.

In addition to the above, paragraph 141 highlights that *“the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.

In the case of this proposal site, the installation of the Street Hub unit would provide a modern, multifunctional alternative to the traditional ‘mast’ that would act as a communication hub within a dense urban area, while ensuring that the character of the area is not significantly adversely impacted upon in respect of matters relating to amenity and public safety.

Public benefits are defined within the NPPF and could be anything that delivers economic, social or environmental progress. Benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Specific guidance relating to advertising developments and on the interpretation of the Regulations is contained within the Communities and Local Government Planning Practice Guidance (“PPG”), which contains the current guidance on this subject. Section 8 of the PPG explains in greater detail the criteria for considering amenity issues in advertising proposals. More specifically, on the matter of scale the guidance suggests that advertisements should respect the scale of the surroundings.

“...for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.”

It further advises that; *“This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.”*

On matters of Public Safety, the PPG states that:

“All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline.”

Code of Best Practice on Mobile Network Development in England (March 2022)

The Code of Best Practice has been fully revised in March 2022 and is now even more supportive of mobile network provision in line with Government aspirations that everyone should have access to the information super highway no matter where they are located whether that be in rural or urban areas. This Code provides guidance to mobile network operators, their agents and contractors and equally to all local planning authorities in England. It supersedes the Code of Best Practice on Mobile Phone Network Development (2016).

The principal aim of this Code is to support the government’s objective of delivering high quality wireless infrastructure whilst balancing these needs with environmental considerations. It also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties.

The development of such infrastructure must be achieved in a timely and efficient manner, and in a way, which balances connectivity imperatives and the economic, community and social benefits that this brings with the environmental considerations that can be associated with such development. The Code also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties. The Code also highlights that wireless technology continues to evolve rapidly, and mobile devices are now capable of much more. Second generation (2G) technology gave us voice calls and text messages, 3G led to the launch of smartphones, and 4G, which enabled

faster browsing, allowed us to do things like watching videos on the move. 5G, the latest generation of wireless technology, is much faster than previous generations of wireless technology and can offer greater capacity and lower latency, allowing thousands of devices in a small area to be connected at the same time. 5G networks, and future mobile generations, will be vital for a range of Internet of Things uses (IoT) and Smart City applications.

The Code highlights that local planning authorities should support the deployment of digital infrastructure by:

- Incentivising connectivity: support the expansion of telecommunications networks, and take a 'joined-up' approach to the wireless infrastructure planning process, including ensuring that Local Plans effectively support the deployment of digital infrastructure.
- Facilitating sites: engage with operators when new sites have been proposed and discuss site requirements.
- Engagement with operators: respond positively to requests for engagement and make decisions in line with national policy and Local Plans. For planning applications, find solutions to issues and ensure timely decisions are made.
- Information and communication: ensure that members of the public can access information about any development proposals within their local area. Send communications promptly to an appropriate operator contact (or their representatives).

It also goes on to state that *'The planning system plays a key role in delivering the digital infrastructure that we need, in a sustainable and well-designed way, especially as households and businesses become increasingly reliant on mobile connectivity'*. This is followed by highlighting that *'There should be a presumption in favour of facilitating sustainable network development and, as such, operators and local planning authorities, as well as all other bodies involved in the deployment process, should work together to ensure connectivity needs are met and find viable solutions to deployment issues'*.

The Code highlights the Government's Communications Policy and Planning Policy. It acknowledges that digital connectivity is vital to enable people to stay connected and businesses to grow. Fast, reliable digital

connectivity can deliver economic, social and well-being benefits for the whole of the UK. The Code indicates that recent changes in planning policy [and regulation] are intended to align with Government communications policy, where the ultimate goal is to achieve mobile coverage wherever it is needed. Furthermore, the Code also reiterates NPPF guidance in strongly supporting high quality communications infrastructure, which is seen as essential for sustainable economic growth.

Development Plan Policy

- 4.2 Section 70 of the Town and Country Planning Act 1990, as amended, requires planning applications and appeals to be determined having regard to the provisions of the Development Plan and other material considerations, and section 38 of the Planning and Compulsory Purchase Act 2004 requires applications and appeals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'.

For the purposes of Section 70, the adopted Development Plan documents for Horsham District Council comprises the following:

- Horsham District Planning Framework (2015); and
- Horsham Town Neighbourhood Plan (2019-2036)

Horsham District Planning Framework (2015):

The Horsham District Planning Framework (HDPF) is the overarching planning document for Horsham district outside the South Downs National Park (SDNP), and replaces the Core Strategy and General Development Control Policies documents which were adopted in 2007. The most relevant policies of the adopted plan with regards the application site are considered to be:

Policy 1 - Sustainable Development

'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.'

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission, unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- Specific policies in that Framework indicate that development should be restricted.'*

Policy 5 - Horsham Town

'To promote the prosperity of Horsham town and maintain and strengthen its role as the primary economic and cultural centre in the District, and the wider economic area. Development will be allowed within the built-up area of Horsham where it:

- 1. Retains the town's key position as the main settlement within the District whilst protecting the unique characteristics of the town, including its historic character and high quality environment.*
- 2. Contributes to the provision of a range of services and facilities including those in arts, heritage and leisure that make the town self sustaining.*
- 3. Contributes to the economy of the town to support a vibrant high street and town centre that meets local and business demands, as well as supporting the wider economy including the Gatwick Diamond, and the economy of the south east including;*
 - a. the provision of a wide range of employment*
 - b. retaining and enhancing its unique retail mix to meet both independent and national retailers requirements*
 - c. contribution to the evening economy through the provision of a range of leisure uses.*
- 4. Promotes high quality transport infrastructure which enables excellent pedestrian, cycling, bus and rail and vehicle accessibility for residents, visitors and business employees; and*
- 5. Delivers a mix of residential properties which meet the needs of the population and contributes to quality modern living that is compatible with a town centre setting.*
- 6. Retains, enlarges or enhances the existing formal and informal green spaces within the town'.*

Policy 12- Vitality and Viability of Existing Retail Centre

'Recognising the development hierarchy for the District, the hierarchy for the district's town and village centres is established as follows:

- *Primary centre: Horsham town*
- *Secondary centres: Billingshurst, Henfield, Pulborough, Southwater, Steyning and Storrington*
- *Tertiary centres and outlying small retail units: Smaller village centres and shops*

The hierarchy of retail centres will be supported and enhanced through;

1. Positive measures to improve Horsham town centre as the primary centre. The other town and village centres within the district will be encouraged to help sustain their roles in meeting needs and acting as a focus for a range of activities, including retail, leisure, and recreation appropriate to the scale and character of the centre.

2. Promotion and encouragement of activities in town and village centres so they continue to be the prime focus for community life in the district by:

a. Maintaining a diverse range and choice of suitable uses including retail, leisure, entertainment, sports and recreation, arts, culture, business and commercial uses as well as residential use.

b. A well designed and maintained attractive public realm.

c. Promotions, outdoor events and entertainment and markets.

d. A choice of accessible and affordable means of travel including public transport and adequate and convenient car parking.

e. Respect for historic character and good urban design principles.

f. A convenient, cohesive and concentrated primary area which contains a high proportion of retail (A1) uses where this has reasonable prospects for remaining viable.

g. In the larger centres encouragement for variety in the “offer” which for Horsham town centre has meant the identification of distinct “quarters” that define character and ambiance. h. For the secondary areas defined within larger town centres a wider range of class A uses as well as other use classes can be located. i. Suitable residential use in existing older and new buildings.

j. A vibrant and regulated evening economy compatible with adjoining uses.

k. Encouragement in innovation and support for improvements in retailing activity.’

Policy 14- Shop Fronts and Advertisements

‘1. Applications for new, replacement and temporary shop fronts, including fascias, will be supported where the proposal respects the architectural style, character and form of the buildings or location of which they form a part, including appropriate use of materials, colours and illuminations.

2. Within Conservation Areas or on Listed Buildings, proposals will be expected to retain an existing traditional shop front and/or features of architectural or historic interest, through retention or restoration. This will include the use of traditional materials, traditionally painted fascias and

hanging signs with muted colours. In some cases, discreet externally illuminated signs may be acceptable.

3. Advertisements, including hoardings, illumination of hoardings and illuminated fascia signs should be sensitively designed, of an appropriate size and appropriately located. Advertisements should not be detrimental to the visual amenity of the buildings or area by reason of its scale, detail, character, design or illumination; impair on pedestrian or highway safety; or result in, or compound, the perception of clutter on the street scene.

4. The cumulative impact of advertisements on the character and appearance of the surrounding townscape and landscape will be considered as part of any such application.'

Policy 32- Strategic Policy: The Quality of New Development

'High quality and inclusive design for all development in the district will be required based on a clear understanding of the local, physical, social, economic, environmental and policy context for development. In particular, development will be expected to:

- 1. Provide an attractive, functional, accessible, safe and adaptable environment;*
- 2. Complement locally distinctive characters and heritage of the district;*
- 3. Contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit;*
- 4. Optimise the potential of the site to accommodate development and contribute to the support for suitable complementary facilities and uses; and*
- 5. Help secure a framework of high quality open spaces which meets the identified needs of the community.'*

Policy 33- Development Principles

'In order to conserve and enhance the natural and built environment developments shall be required to:

- 1. Make efficient use of land, and prioritise the use of previously developed land and buildings whilst respecting any constraints that exist;*
- 2. Ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development;*
- 3. Ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views;*
- 4. Are locally distinctive in character, respect the character of the surrounding area (including its overall setting, townscape features, views and green corridors) and, where available and applicable, take account of*

the recommendations/policies of the relevant Design Statements and Character Assessments;

5. Use high standards of building materials, finishes and landscaping; and includes the provision of street furniture and public art where appropriate;

6. Presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development; and,

7. Ensure buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, unless this conflicts with the character of the surrounding townscape, landscape or topography where it is of good quality.'

Policy 34- Cultural and Heritage Assets

'The Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. Applications for such development will be required to:

1. Make reference to the significance of the asset, including drawing from research and documentation such as the West Sussex Historic Environment Record;

2. Reflect the current best practice guidance produced by English Heritage and Conservation Area Character Statements;

3. Reinforce the special character of the district's historic environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques;

4. Make a positive contribution to the character and distinctiveness of the area, and ensuring that development in conservation areas is consistent with the special character of those areas;

5. Preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials;

6. Secure the viable and sustainable future of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset;

7. Retain and improves the setting of heritage assets, including views, public rights of way, trees and landscape features, including historic public realm features; and

8. Ensure appropriate archaeological research, investigation, recording and reporting of both above and below-ground archaeology, and retention where required, with any assessment provided as appropriate.'

Policy 39- Infrastructure Provision

'1. The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development, or suitable necessary

mitigation arrangements for the improvement of the infrastructure, services and community facilities caused by the development being provided.

2. Where there is a need for extra capacity, this will need to be provided in time to serve the development or the relevant phase of the development, in order to ensure that the environment and amenities of existing or new local residents is not adversely affected.

3. To ensure required standards are met, arrangements for new or improved infrastructure provision, will be secured by planning obligation / Community Infrastructure Levy, or in some cases conditions attached to a planning permission, so that the appropriate improvement can be completed prior to occupation of the development, or the relevant phase of the development.'

Horsham Town Neighbourhood Plan (2019-2036)

The Horsham Blueprint Business Neighbourhood Forum is a designated body of the Unparished Area of Horsham Town which formally adopted its Neighbourhood Plan on 14 December 2022. Covering the period up until 2036, the most relevant policies of the Neighbourhood Plan are considered to be:

- Policy HB3 – Character of Development
- Policy HB4 – Design of Development
- Policy HB6 – Retaining and Enhancing the Vitality and Viability of Horsham Town Centre
- Policy HB7 – A Welcoming Public Realm

- 4.3 Details of the Street Hub design, its inclusiveness and accessibility are included within the Planning, Design and Access Supporting Statement. The award-winning design was created by urban design firm Antenna, led by Masamichi Udagawa whose work is displayed in the Museum of Modern Art in New York. It is appropriate for the Street Hub's function in terms of scale, form, quality of materials and sustainability.
- 4.4 The siting criteria, whilst taking into account the impact of the Street Hub in terms of the character and appearance of its proposed setting, also contain considerations of public safety, including pedestrian movement, sightlines and highway safety.
- 4.5 The impacts of the appeal proposal in terms of relevant material planning considerations were also outlined in the Appellant's Planning, Design, and Access Supporting Statement and are further discussed in the following section containing their grounds of appeal against the Council's refusal to grant planning permission and advertisement consent for the Installation of the proposed Street Hub and associated advertising at this location.

5. Grounds of Appeal

- 5.1 On 27 July 2026 Horsham District Council as a Local Planning Authority sought to refuse permission for the development proposed in the application, for the following reason(s):

1. *The development, by reason of its scale, illumination and siting within a prominent location on West Street, would appear visually intrusive and would introduce a harmful degree of visual clutter into the street scene. The development would fail to respond positively to the character of the town centre and would detract from the quality of the public realm and the setting of the nearby Conservation Area. The development would therefore result in unacceptable harm to the character and appearance of the locality, contrary to Policies 14, 32, 33 and 34 of the Horsham District Planning Framework (2015) and Policies HB3, HB4 and HB7 of the Horsham Blueprint Business Neighbourhood Plan.*

Horsham Council also refused to consent to the display of the advertisement(s) proposed in the application on 09 July 2026, for the following reason(s):

1. *The advertisement, by reason of its scale, illumination and siting within a prominent location on West Street, would appear visually intrusive and would introduce a harmful degree of visual clutter into the street scene. The advertisement would fail to respond positively to the character of the town centre and would detract from the quality of the public realm and the setting of the nearby Conservation Area. The advertisement would therefore result in unacceptable harm to visual amenity, contrary to Policies 14, 32, 33 and 34 of the Horsham District Planning Framework (2015) and Policies HB3, HB4 and HB7 of the Horsham Blueprint Business Neighbourhood Plan.*

- 5.2 The Council has suggested one main reasons for refusal in their decision notices, and this fundamentally relates to perceived visual impact on the character of the area and nearby Conservation Area. The appellant has noted these concerns and disagrees with the findings. The case of the Appellant is documented below.
- 5.3 The Appellant considers that the policy tests used to determine the planning application have relied too heavily on its visual impact, which the Appellant considers to be exaggerated by the Council in terms of its potential impact

on the nearby Conservation Area, particularly noting the existing street scene context which is highly commercial with an established advertising theme. It is also considered that the Council has offered very little in the way of weight to the public benefits of the proposal.

5.4 Within the National and Local Planning Policy, key themes emerge in relation to the strategic directions and policy objectives. The proposal to upgrade existing BT payphones to Street Hub units appropriately responds to these policies by:

- Providing communication infrastructure in a strategic location that will be a high-quality design and provide enhanced digital connectivity;
- Improving public safety through providing access to emergency services, increased street illumination and reducing anti-social behaviour currently present in existing BT payphone booths;
- Achieving advertising displays that are appropriately illuminated and designed to ensure no hindrance to surrounding transport networks;
- Promoting accessibility and inclusivity with fully accessible community features;
- Enhancing and improving the quality of the public environment and ensuring valued characteristics are protected, to create safe, functional places with strong sense of connection; and
- Promoting sustainability with units being powered by 100% renewable carbon-free energy.

Overall, the proposal is considered to be a highly appropriate response to strategic vision and objectives.

5.5 The Appellant considers that the design of the Street Hub's in terms of its sleek modern and innovative appearance is more consistent with that found within many streetscene settings throughout the country, including within the Council's own area. The design, as discussed above, is of high quality and reflects a historical design which is a common and expected feature across many streetscapes around the United Kingdom, including that of heritage significance.

Visual Amenity and Heritage Considerations

5.5 It is accepted that there will always be challenges faced in finding a balance between limiting any visual harm created by the siting of development upon street scenes, albeit that assessment must take into consideration all

- relevant matters including that of the immediate street scene as well as the surrounding context in which it would be viewed within the context of. It should also be considered that streets and subsequent street scenes will always be subject to change through time, changing demand, and user's expectation. This is of particular relevance when considering advertisement and telecommunication within street scenes throughout the country with a focus on sustainable and connected cities.
- 5.6 Street Hub is a modern form of development, and in many ways, its innovative design attributes reflect the technological advancements within the field of electronic communications over the course of the last decade. In order to accommodate the equipment necessary to provide the immediate and future benefits to the area as previously outlined, including the advertising feature, the unit has to be the height and design that is proposed. In particular, the size of the Street Hub unit is specifically required because the unit will accommodate 5G small cell antennas in time and the height is necessary in order to meet the criteria for ICNIRP compliance. Whilst there will always be some degree of harm from any form of development, the positive impact that the proposal will bring to the area will outweigh the negative impact.
- 5.7 Likewise, as Street Hubs can provide the Council with valuable data as each unit has environmental sensors that can monitor air, sound and light, in most instances it is beneficial to plan a sequence of Street Hub sites along key routes, so that the information gathered can be better analysed. This free environmental data has its own dashboard and can assist the planning system actively manage patterns of growth in support of national air quality objectives and will be a useful source of real-time data in the delivery of the Council's own green agenda. In a similar vein, Street Hubs have the capability to monitor pedestrian, cyclist, and vehicle movements and so can help the Council to monitor and, where practicable, develop travel plans for the area. We consider Council has not given sufficient weight to the public benefits of the proposal.
- 5.8 The site location in this instance has been selected due to the strong commercial context of the immediate streetscene and is located in a well-considered position on a clear portion of footway to ensure no contribution to visual street clutter or impact to pedestrian movements to any detrimental or demonstrable degree. The advertising screens are well-designed with compliant levels of illumination and rate of change and will not negatively impact the character of the area nor views to the adjacent Conservation

Area. As reiterated in the Officer's Report the site is within a primary commercial strip, within the Horsham Town Centre Primary Shopping. The Officer's Report describes this portion of the Town Centre as the following:

"West Street forms a key pedestrianised shopping route within the Horsham Town Centre, characterised by active ground floor commercial frontages with associated building signage. Within the setting of the application site there are various pieces of street furniture, including litter bins and seating, with lighting columns sited centrally along the length of the street. A-boards, where present, are sited outside of the related commercial premises, as required by the Council's A-board policy."

We therefore consider that Street Hub unit is appropriately located, being within a primary shopping route within a town centre which is comparable in form and appearance to existing freestanding units of a similar form that can be commonly found in many streets throughout the country, including that of sensitive and non-sensitive land designations. We therefore contend Council's argument that the unit would result be a prominent and intrusive feature within the street scene, specifically the following as identified in the officer report:

"It is considered that the proposal would represent an uncharacteristic form of development that would harm the local character and sense of place, resulting in detriment to the visual attractiveness of the area."

- 5.9 Whilst its contend that the siting of the unit is in line with Policy 13 of the HDPF which states development will be supported, provided the proposals will improve the character, quality and function of the centre as whole. It's considered the proposal is highly compliant with this policy, not only being compatible with the character of the area but also being a high-quality design that offers a myriad of public benefits to improve the function of West Street, particularly through the provision of ultrafast 5g connectivity.
- 5.10 Council's reason for refusal further relates to the perceived addition of street clutter, stating that this portion of West Street includes minimal street furniture and as such the introduction of the Street Hub would contribute to clutter. Specifically, the report states the following:

“The approach to street furniture on West Street has minimised the presence of ‘clutter’ which allows and retains largely unobstructed views both east along West Street and Middle Street and west towards the Bishopric. An advertisement of the scale, nature and siting proposed would represent an uncharacteristic feature and a form of advertising which would create a stark and visually jarring contrast with the surrounding character.”

We highly dispute the claim that the Street Hub unit would result in clutter at this location as it is strategically aligned with existing lamp posts and positioned towards the western edge of West Street which accommodates a range of existing street furniture including a Council pylon wayfinding sign, public benches and canopy trees. We further note the presence of street dining and A-frame hoarding advertisement along West Street. We consider the unit has been well located an appropriate distance from existing street furniture to avoid any potential for street furniture conflict or clutter.

The photomontages below show the east and west views along West Street and demonstrates how the unit will successfully integrate within the existing streetscape and will not result any visual amenity impacts or contribution to clutter:



Figure 4 – Site location when viewed to the East



Figure 5 – Site location when viewed to the West

- 5.10 While it is not contended that all forms of development will have a degree of visual impact by their sheer nature, the proposed development is considered appropriate within its context. This is reiterated in recent appeal decisions for Street Hub applications in comparable street scenes, whereby the Inspectors considered the following relative to visual amenity;

“given the limited amount of street furniture nearby, and existing advertising, which is primarily on the buildings themselves, these proposed advertisements would not introduce a significant sense of visual clutter. Although I did not observe any other nearby digital displays on my visit, modern, statically illuminated digital displays are not an uncommon feature in commercial High Street locations such as this.”

(Appeal Ref: APP/N5090/Z/22/3296138, High Street, Barnet)

“it would be viewed within the context of an area of existing street furniture which, in combination with the generous width of the pavement, would prevent the unit from appearing as unacceptable visual clutter. The bus stop would also reduce the proposal’s visual impact, particularly when viewed from the north-east. There would be no conflict with the Design Guidance Note 1 (Advertising and Signs) which seeks to ensure advertisements are well related to their

surroundings in terms of size and scale and are located to avoid visual clutter.”

(Appeal Ref: APP/N5090/Z/21/3287033, Watling Avenue, Edgware)

“Therefore, due to the smaller footprint and slender profile of the proposed kiosk, the proposal would not be visually intrusive or create visual street clutter. The proposal would also not represent an incongruous addition due to its similarities with the existing digital signs within the town centre.”

(Appeal ref: APP/Z5630/H/3209488, 2-6 Fife Road, Kingston upon Thames).

The above only represent a small number of appeal decision in allowing appeals on the basis that the LPA refused these applications on.

5.11 With regard to visual impact on the surrounding heritage setting, paragraph 207 of the NPPF states that Local Planning Authorities should take into account the particular significance of any heritage asset that may be affected by a proposal when considering the impact of a proposal on a heritage asset, in order to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposed development.

5.12 In considering whether a proposal would have any impact in respect of the setting of any heritage asset, Historic England’s website provides a definition of what would be considered as the ‘setting’ of any heritage assets as follows;

- 1) *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
- 2) *“The surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape.”*
- 3) *“The setting of a heritage structure, site or area is defined as the immediate and extended environment that is part of, or contributes to, its significance and distinctive character. Beyond the physical and visual aspects, the setting includes interaction with the natural environment; past or present social or spiritual practices, customs, traditional knowledge, use or activities and other forms of intangible*

cultural heritage aspects that created and form the space as well as the current and dynamic cultural, social and economic context.”

Additionally, in Conservation Principles, Policies and Guidance (2008) English Heritage sets out the four key aspects which contribute to the overall significance of a historic building or landscape:

- **Evidential:** *“The potential of a place to yield evidence about past human activity.”*
- **Historic:** *“The ways in which past people, events and aspects of life can be connected through a place to the present.”*
- **Aesthetic:** *“The ways in which people draw sensory and intellectual stimulation from a place.”*
- **Communal:** *“The meaning of a place for the people who related to it, or for whom it figures in their collective memory.”*

5.13 In respect to the above, the proposed site is not located within the boundary of the Horsham Town Centre Conservation Area but is approximately 60m away from the designation’s Western boundary. Designated in 1974, the boundary of the Conservation Area was amended in 2001 to include new areas of the town centre. Thereby demonstrating the ever-evolving nature of the asset which covers a modern, bustling town centre locale. The Appraisal and Management Plan for this asset states that key positive characteristics of the Conservation Area are identified as:

- *The historic origins and development of the town through the medieval, Georgian and Victorian periods is still clearly discernible in the surviving townscape.*
- *Many buildings within the Conservation Areas are little altered from the time of their construction and designated in their own right as listed buildings. Many other unlisted buildings contribute positively to local character.*
- *The buildings within the Conservation Areas utilise local building materials in a range of vernacular and historic techniques, establishing and reinforcing a strong sense of place.*
- *The variation of uses within the Conservation Area reflect the mixed commercial and residential history of the area.’*

With regards shopfronts (which the application site is directly adjacent to) and ‘new development’ the appraisal and management plan document states:

‘The main part of the Conservation Area is commercial in nature and shopfronts and associated signage dominate the ground floor

streetscene. Traditional hanging signs are an attractive way of advertising and shopfronts should reflect the character and details of the building. There are a number of 1920s and 1930s traditional shopfronts remaining in the Conservation Area which should be retained. The Conservation Area also contains a variety of modern shopfronts that respect the character and detailing of their host building...

New development Opportunities for new development These must be considered carefully and the effect of new buildings on the setting of the Conservation Area, and on views both into it and out of it, particularly taken into account. New development must be sympathetic to its context in terms of its siting, scale (including height, size and massing), materials and details. It should also follow the existing pattern or grain of development, not obstruct important views, and not dominate buildings in the immediate vicinity. Materials should be carefully chosen to complement the Conservation Areas existing palette of materials’.

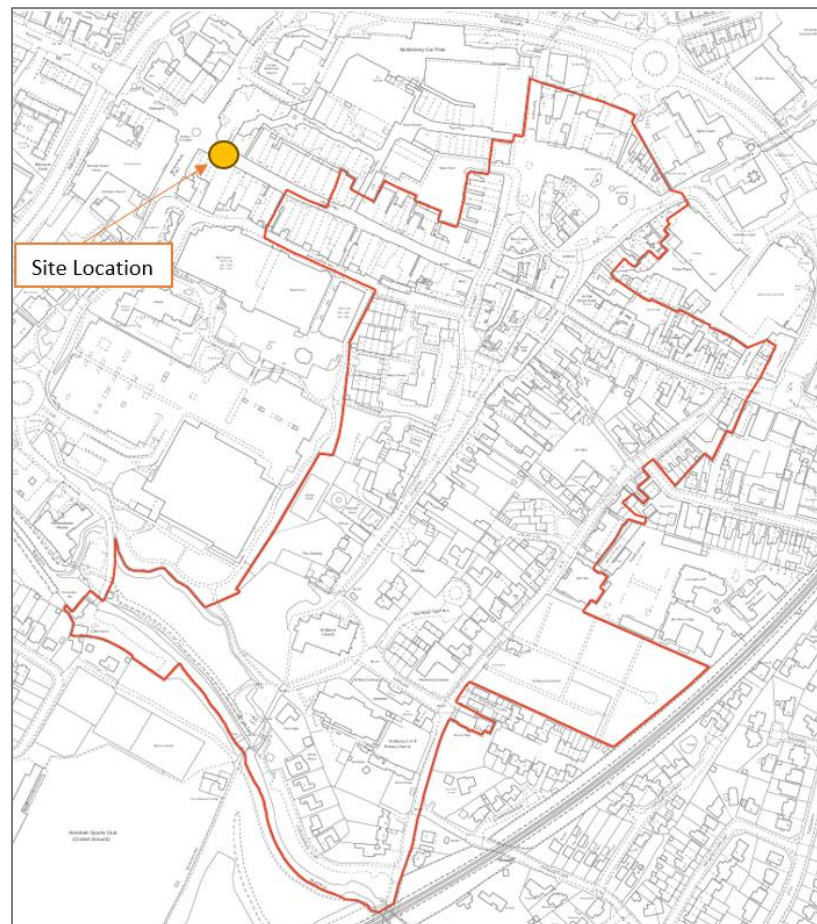


Figure 5 – Site location in the Context of the CA (map sourced from LPA website)

- 5.14 The historical importance of the Conservation Area is acknowledged, particularly in relation to its preserved character, which is primarily focused on the area surrounding the surviving historic buildings (including now listed buildings). However, we continue to contend the proposed siting appropriate and would not detract from or diminish any views into Conservation Area. Specifically, the siting and design of the proposed unit is considered typical to many comparable streets within the UK where similar forms of advertisements are located. Furthermore, given the proposal is a minor scale and a significant distance from the boundary of the area, any impact on this asset or the wider Conservation Area designation is expected to be inconsequential. It's evident from the map above, the unit is well setback from the Conservation Area and area of primary preservation within this area.
- 5.15 We therefore strongly contend Council's argument that the design and perceived visual impact would cause harm to the character and appearance of the nearby Conservation Area, as concluded in the Officer Report:

“The development would fail to respond positively to the character of the town centre and would detract from the quality of the public realm and the setting of the nearby Conservation Area.”

We consider that the unit has been strategically sited to provide digital connectivity within a highly commercial area that has demonstrably evolved over time, as reflected in changes to land use and the design of ground-floor tenancies. This portion of West Street includes extensive ground-floor glazing, fascia advertisements that vary in colour and materiality as well as numerous temporary hoarding signs on the footway, typical to a commercial high street. We consider that the addition of a street hub unit would therefore be complementary to the ground-floor character and will not be an incongruous feature that will impact the street scene or harm the appearance of the nearby Conservation Area.

- 5.16 We further offer the following recent appeal decision which relates to the introduction of Street Hub unit within a Conservation Area and nearby listed buildings. We note street clutter and heritage were main considerations within this appeal, however the Inspectorate allowed the decisions, contending the following:

“Although it would be an additional element, the proposed hub would be situated between the plinths, bins and light columns and so it would be within the arrangement of existing street features. Therefore, it would not be extending street furniture onto new areas of the pavement or adding to any sense of clutter. Furthermore, with the recently constructed block opposite and the various shop fronts adjacent, the hub would not appear as a discordant or uncharacteristically modern feature in this streetscape. Finally, given the level of lighting already in the vicinity, any additional illumination from the advertisements would not be striking or dominant to a harmful degree, and would not exacerbate the existing situation.”

“...the proposal would not fail to preserve the character or appearance of the conservation area, it would not harm the significance of that designated heritage asset or the nearby non-designated heritage asset, and it would not harm amenity. As a result, it would not conflict with Policies DE1 and HE2 in the Coventry City Council Local Plan, which seek to safeguard heritage assets and secure development of a high quality design that respects its surroundings.”

(Appeal Reference: APP/U4610/Z/25/3375692 & 6001610, Decision Date: 14 January 2026)

- 5.17 In respect of digital infrastructure and economic development, these new Street Hubs are the perfect form of infrastructure for positive change, enabling councils to collaborate and configure infrastructure to support smarter, safer and more sustainable places for residents, visitors and businesses alike. BT is moving public connectivity forward, evolving their existing and long-established payphone estate further with a move from the 1st Generation ‘InLink’ units that have seen deployment throughout the country, to the proposed Street Hubs, a sleek modern answer to the demands of a digitally connected, converged-media society and at no cost to the Council.
- 5.18 On this point, recent press releases highlight that BT gifted up to £7.5m of free advertising space to local businesses via its Street Hub units in 2023-24 as the new units are rolled out to new locations across the UK, whereby BT (in conjunction with the LPAs) contacted local businesses and the public

in these areas in order to encourage them to nominate local firms who could benefit from the offer.

- 5.19 This came as a new BT study found that more than 60 per cent of small businesses agree that local advertising would help to increase awareness of their business, with 40 per cent saying it would encourage more people to shop at their local high street. However, almost half (49 per cent) said that cost was a major obstacle to them investing in local Out Of Home (OOH) advertising. BT is now taking action to remove one of the biggest barriers to adoption, with the Street Hub's digital advertising screens designed to help small firms attract more customers following the local and national lockdowns.
- 5.20 Additionally, BT's new Street Hub units can also help local councils achieve their social and economic improvement and sustainability goals. Each local authority is provided with 5 per cent of total screen time on each Street Hub unit to promote local community and municipal services such as food banks, health and social care or leisure activities. They can also inform the local community about developments or issues affecting their area. For example, during the peak of the Covid-19 pandemic, the 400 existing Street Hub units across the country played a vital role in displaying key public health advice from Public Health England and local councils.
- 5.21 With nearly two thirds of all local authorities aiming to become carbon neutral by 2030, each Street Hub unit can also be fitted with air quality and CO2 sensors. This will provide local Councils with the insight needed to help them take action to improve air quality, contributing to the health and wellbeing of local people, and has been used by Council's already.
- 5.22 The above shows how the proposed units would assist in Council's agendas to have more people return to our high streets do not prejudice this. The overall aim of the Street Hubs is to enhance digital connectivity and services for communities through features such as free mobile device charging, access to an emergency call button, charity helplines, and local wayfinding via an integrated tablet, as well as the additional benefits set out previously. Additionally, it is considered that the public benefits were in fact set out in detail and adequately included as part of the application submissions, to which the council have offered little or no weight to as stated. Instead, as stated the consideration of the council that the units are unnecessary is contrary to the NPPF whereby it is clear that councils should not question

the need.

- 5.23 It is clear from the above that the proposal must be viewed within the context of the existing streetscene. It is considered that the proposal would not form an incongruous and over-dominant feature within the streetscene or impact views to the nearby Conservation Area. Furthermore, in respect of the need for the proposal at this location, BT also have to comply with their Ofcom requirements in ensuring that such infrastructure is maintained in areas in order to ensure that the general public have access to these units and their communication function.

6. Other Relevant Planning Appeal Decisions

- 6.1 Visual amenity and Heritage was a consideration in recent appeal decisions for similar structures to that being proposed whereby, and even when considering the different locations to which these appeals relate the Inspectors determined the following in respect of similar proposals and being viewed within the context of the surrounding street scene as opposed to being viewed in isolation, which principles should still apply in this instance;

Appeal Refs: 6004193 & 6004194, Rosalind Franklin Building, Wolverhampton WV1 1LY

“The advertisement displays would be illuminated and digital in format and would therefore change more frequently than the predominantly static signage found nearby. Although the surrounding area presents a relatively restrained and well-ordered approach to signage, fascia and projecting signs associated with existing premises are nevertheless a recognised feature of this area. The street is also well lit by street lighting, traffic controls and surrounding buildings. In this context, and subject to conditions controlling the specification of the displays and levels of illumination during hours of darkness, the digital advertisements would not appear unduly dominant or incongruous such that they would harm visual amenity.”

“Accordingly, I find that the proposed Street Hub and digital advertisement displays would not adversely affect the character and appearance of the area, or amenity with particular regard to the character and appearance of the WCA [‘Wolverhampton Conservation Area’]. For the same reasons, the proposal would not adversely affect the locally listed Wolverhampton University Buildings.”

Appeal Ref: ADA-180-2017, 40 High Street, Dundee

“I do not agree with the council’s view that the proposed illuminated advertisements would have an adverse impact on amenity. I observe that the area’s character is heavily influenced by the busy retail and commercial environment at street level, featuring information boards and other street furniture, a number of existing advertisements, and shopfronts with illuminated signage and display windows with internal lighting, including in the adjacent Primark store. I do not consider that the introduction of the proposed digital advertisement displays would be at odds with this character. The size of the proposed advertisements is broadly comparable with others in the area. Although the site’s busy city centre location means

the proposed advertisements would be seen by large numbers of pedestrians, their positioning between two street trees means they would not be overly prominent in the street scene. The advertisements would generally be viewed in context with the modern Overgate shopping centre nearby, with its illuminated signage and window displays, and would not appear obtrusive in that setting. I therefore do not consider there would be any harm to the amenity of the area, including the character or appearance of the conservation area, which I am satisfied would be preserved. I also do not consider there would be any adverse impact on the setting of any of the listed buildings in the area.”

Appeal Ref: APP/J2373/H/22/3305072, Whitegate Drive, Blackpool

“The appeal site falls within the Raikes Hall Conservation Area (the RHCA) whose significance is partly derived from the largely unaltered original grid street pattern of attractive suburban residential properties. Whitegate Drive is one of the main routes through the RHCA and contains an array of businesses, including the retail unit and café immediately adjacent to the appeal site. This gives the locality a strong commercial character. The appeal site makes a neutral contribution to the RHCA.”

Appeal ref: APP/Z5630/H/3209488, 2-6 Fife Road, Kingston upon Thames:

“Therefore, due to the smaller footprint and slender profile of the proposed kiosk, the proposal would not be visually intrusive or create visual street clutter. The proposal would also not represent an incongruous addition due to its similarities with the existing digital signs within the town centre.”

Appeal Ref: APP/N5090/Z/22/3296138, High Street, Barnet:

“given the limited amount of street furniture nearby, and existing advertising, which is primarily on the buildings themselves, these proposed advertisements would not introduce a significant sense of visual clutter. Although I did not observe any other nearby digital displays on my visit, modern, statically illuminated digital displays are not an uncommon feature in commercial High Street locations such as this.”

Appeal Ref: APP/J2373/H/22/3305026, Squires Gate Lane, Blackpool:

“although the proposal would add an additional piece of street furniture to this side..... It would also not be an intrusive or dominant feature given the width of the footway and its design and scale, which is largely reflective of the existing bus shelter.”

Appeal Ref: APP/J2373/W/22/3304941, Corporation Street, Blackpool:

“the proposed street hub would be of a slim, modern design. It would replace an existing phone box installation within very close proximity to the appeal site, which is in a somewhat neglected condition. As this form of street furniture is an established part of the street scene, the proposal, whilst of a slightly different design and size, would not appear incongruous.”

Appeal Ref: APP/J2373/W/22/3305075, Whitegate Drive, Blackpool:

“Street furniture in the immediate locality of the appeal site is limited to a phone box and street lighting column. As such, the area does not have a cluttered feel. The proposed street hub unit would replace the existing phone box, albeit in a new, close by location. Whilst it would not result in a reduction of street furniture in total, it would nevertheless not result in any increase in this locality therefore it would not be an overbearing addition. It would be of a slimmer design and smaller footprint to the existing phone box and would be viewed in association with the commercial backdrop. Thus, it would be in keeping with this commercial setting.”

Appeal Ref: APP/Q4245/W/25/3363934, Chester Road, Stretford:

“The appeal proposal would be a substantial structure of boxlike form. As a result of its size and digital advertisements, it would undoubtedly be a prominent feature. However, it would not represent a proliferation of such structures, and would be seen in the context of a modern commercial area within which businesses have varying degrees of signage. On this basis it would not be harmful to the character and appearance of the area.”

Appeal Ref: APP/Q4245/W/25/3363942, 678 Chester Road, Old Trafford, Stretford:

“Within the immediate vicinity are various items of existing street furniture, including bins, bollards, telecommunications cabinets, a CCTV pole, streetlamps, traffic lights and metal safety railings separating the highway from the footway. To the northeast of the site are two existing payphone kiosks, although one has been adapted and now contains a cash machine. The presence of street furniture is therefore an established characteristic within this commercial area..... Furthermore, given the already bustling, commercial aspect of this area, the proposed hub, with advertisement panels, would not appear incongruous, either on its own or in combination with other nearby furniture and advertisements. I do not therefore consider the proposed advertisements would result in an over proliferation in this commercial setting”.

7.0 Conclusion

- 7.1 Balancing the visual amenity of an area and the impact that additional street furniture may or may not have is an issue for central government, local government and statutory undertakers alike. The necessity to address all the pertinent factors in the consideration of such proposals is imperative to ensure that the most appropriate decision is reached. However, this must be undertaken correctly and against what would be relevant and material planning considerations at the time of assessment.
- 7.2 Relevant legislation, government advice and development plan policy must be taken into full account when arriving at a decision. The relevance of the key issues relating to the benefits of the Street Hub in terms of social inclusion and economic support, by providing free Wi-Fi connectivity and the other services, must be weighed against the visual harm in the wider public interest and be based upon the particular merits of the Street Hub design and scale in relation to its contextual siting in each case.
- 7.3 The appeal proposal for a Street Hub at this location forms part of a wider Street Hub project across the council area which will provide free ultra-fast Wi-Fi to the local community, as well as a number of other added benefits which these Street Hub units will provide, all of which seek to encourage people back to our high streets in a sustainable way and support local people, businesses and visitors alike. It has been demonstrated within this appeal that the current context of the area is unlikely to be significantly impacted by the introduction of the proposed street Hub, nor would public safety be detrimentally impacted upon. The Appellant considers that the Council's reasons for refusing this application is unreasonable and not based upon any evidence to support them in terms of degree of impact if any at all when weighed against the myriad of public benefits.
- 7.4 The Inspector is respectfully requested to consider the merits of the appeal proposal based on the evidence provided in support of this appeal and to approve both planning permission and advertisement consent for the appeal proposal.