

Appeal Decisions

Site visits made on 2 July 2019

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

CASE DETAILS – All Appeals

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeals are made by Maximus Networks Ltd against the decisions of Sheffield City Council.
 - The development proposed in each case is described as a 'call box'.
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Appeal A Ref: APP/J4423/W/18/3193194

Public Highway, Opposite 2 Tenter Street, Sheffield S1 3GG

- The application Ref 17/02964/TEL, dated 10 July 2017, was refused by notice dated 21 August 2017.
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Appeal B Ref: APP/J4423/W/18/3193197

Public Highway, 30 The Moor in front of Primark, Sheffield S1 4PA

- The application Ref 17/02921/TEL, dated 10 July 2017, was refused by notice dated 21 August 2017.
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Appeal C Ref: APP/J4423/W/18/3193204

Public Highway, 30 Eyre Street, Sheffield S1 4QY

- The application Ref 17/02934/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
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Appeal D Ref: APP/J4423/W/18/3193265

Public Highway, Arundel Gate Adsetts Centre, Sheffield Hallam University, Sheffield S1 1WB

- The application Ref 17/02939/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
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Appeal E Ref: APP/J4423/W/18/3193268

Public Highway, Charter Row Rear of Sainsbury's Junction, Holy Green, Sheffield S1 4JD

- The application Ref 17/02950/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
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Appeal F Ref: APP/J4423/W/18/3193290

Public Highway, Fitzwilliam Street (Junction Charter Row), Sheffield S1 4JR

- The application Ref 17/02929/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
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Appeal G Ref: APP/J4423/W/18/3193291

Public Highway, Adjacent 32 Furnival Gate, Sheffield S1 4QP

The application Ref 17/02924/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.

Appeal H Ref: APP/J4423/W/18/3193293

Public Highway, Adjacent 51 Furnival Gate, Sheffield S1 4QQ

- The application Ref 17/02927/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
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Appeal I Ref: APP/J4423/W/18/3193314

Public Highway, Sheaf Street (near junction Pond Street, opposite station), Sheffield S1 2BW

- The application Ref 17/02910/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
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Appeal J Ref: APP/J4423/W/18/3193315

Public Highway, Sheaf Street (adjacent Sheaf Workshops, opposite station), Sheffield S1 2BW

- The application Ref 17/02906/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
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Appeal K Ref: APP/J4423/W/18/3193318

Public Highway, The Moor in front of Debenhams, Sheffield S1 3LR

- The application Ref 17/02955/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
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Appeal L Ref: APP/J4423/W/18/3193319

Public Highway, West Bar Green adjacent Weston Tower, Sheffield S1 2DA

- The application Ref 17/02923/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
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Appeal M Ref: APP/J4423/W/18/3193324

Public Highway, 127 The Moor, Sheffield S1 4PH

- The application Ref 17/02905/TEL, dated 10 July 2017, was refused by notice dated 21 August 2017.
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Decisions

1. All of the appeals are dismissed.

Preliminary and procedural matters

2. The appeals before me relate to thirteen (13) separate proposals for the installation of an electronic communications apparatus comprising, in each case, a 'call box' pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO). However, in each case, the parties both describe the structure in their submissions as a kiosk and so I have referred to the proposed structures as such.
3. The appellant was not named on the application form in Appeal A, but separate correspondence sent to the Council with the application confirmed Maximus as the applicant, and now the appellant in Appeal A.
4. The addresses given for each site vary between the main parties' documents. For simplicity, I have used the address given on the application form in each case. The postcode for the site address of Appeal L is taken from the appeal form, as it was not supplied on the application form.
5. On 25 May 2019, the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 came into force, amending the GPDO. This amendment removes the permitted development right to install a public call box under Schedule 2, Part 16, Class A of the GPDO. However, transitional and saving provisions at Part 5 of the 2019 Regulations provide that where an appeal has been made within 6 months of the date of notice of refusal of a prior approval application submitted before 25 May 2019, the planning permission granted by Schedule 2 Part 16 Class A of the GPDO continues to have effect in relation to a public call box as if the amendments made to the GPDO by Part 2 of the 2019 Regulations had not been made. That is the case in respect of the appeals before me.
6. Schedule 2, Part 16, Class A of the GPDO refers to development '...by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network...'. A recent judgement in *Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd* [2019] EWHC 176 (Admin) (the *Westminster* judgement) considered the matter of development for 'the purpose' of an electronic communications code operator's electronic communications network for the purposes of Part 16, Class A of the GPDO.
7. Appeals A to M were refused by the Council on grounds relating to their siting and appearance. The *Westminster* judgement confirmed that '*the judgement as to whether the kiosk, as applied for, comes within the scope of Class A has to be made before siting and appearance are considered*¹'. The Council's decisions were made prior to this judgement. Accordingly, both the appellant and the Council have had the opportunity to comment on the relevance of this judgement to the present appeals, and I have taken the responses into consideration.

¹ Paragraph 46

8. It is the Council's view the size and design of the kiosks is driven by the large opening rear panel which it argues could be used for the display of third party advertisements. The Council also points out that Regulation 17 of Part 3 of 2019 Regulations amends the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783) by removing deemed consent to display an advertisement on the glazed surface of a telephone kiosk.
9. The appellant states that it is a telecoms infrastructure company and the proposals are solely for the purpose of its network of integrated next generation telecoms kiosks that include telecoms functions such as (but not limited to) free telephone calls and WiFi and the provision of 5g/4g small cells, fibre and copper cabling. The appellant states categorically that the proposals are not in any way whatsoever for advertising.
10. I have considered the evidence before me, including the details of the kiosks proposed in each case, and find that it does not indicate that the structures include a bespoke advertising panel such that they would a dual purpose. In my view, the proposals fall to be considered under Schedule 2, Part 16, Class A of the GPDO.
11. The Council refers in its delegated reports to the possibility of advertisements being displayed on the kiosks which would affect the appearance and transparency of the structures. However, I have considered the appeals solely on the basis of the details of the kiosks submitted in each case by the appellant.
12. In relation to siting, the appellant refers to the Transport for London Streetscape Guidance (Third Edition, 2017, Revision 1) and the Pedestrian Comfort Guidance for London (2010). However, to my knowledge, these documents have not been adopted by the Council, and therefore I afford them only limited weight.

Main Issues

13. The GPDO sets out that in considering whether to grant prior approval under Schedule 2, Part 16, Class A, the issues to be considered are the siting and appearance of the proposal.
14. Therefore, the main issues are:
 - In each case, the effect of the siting and appearance of each kiosk on the character and appearance of the area, and additionally, in the case of Appeal J, the effect on the setting of a listed building;
 - In the case of Appeals A, B, F, G, H, I, J, K and M, the effect of the siting and appearance of each kiosk on highway safety.

Reasons

Locations and Kiosks

15. The appeal sites are all located within Sheffield City Centre. The sites of Appeals A and M lie within a Business Policy Area as defined by the Sheffield Unitary Development Plan (March 1998) (the UDP). The sites of Appeals B, C, E, G, H, K and M lie within the Central Shopping Area as defined by the UDP.

The sites of Appeals D and I fall within a defined Education Area. The site of Appeal F falls within a Fringe Industry and Business Area and the site of Appeal J falls within an Open Space Policy Area.

16. The kiosks in each case comprise a steel frame structure with clear polycarbonate and toughened glass panels. They would stand 2600mm high and 1325mm wide, with short return panels of 550mm depth to either side and a projecting roof panel of 1125mm depth which would contain solar panels. The communications equipment and interface would be located on a central panel to the inner side of the kiosk. The open sided design would facilitate access and use by wheelchair users.

Appeal A – Opposite 2 Tenter Street

Character and appearance

17. The site of the kiosk is outside a large office building on a relatively wide stretch of footway adjacent to a busy, multi-lane road. I saw the street furniture in this area was arranged in a line towards the outer edge of the footway, allowing a wide area for pedestrians. Most of the furniture comprised slender poles for street lighting or traffic signs which had little effect on the open character of the area, nor did they hinder longer views along the street. In contrast, I saw a freestanding digital advertisement a short distance away near the junction with Silver Street Head, and another telephone kiosk within a few metres of the site of the proposed kiosk. These features had demonstrably greater presence in the street scene owing to their bulkier form. The proposed kiosk would add a further bulky structure to the street scene, close to the existing kiosk, which would create an unduly cluttered appearance and would detract from the largely open and orderly street scene.

Highway safety

18. The Council refers to the proposed kiosk potentially distracting drivers due to being positioned close to road signs. Although I did not have the benefit of driving past the site, I saw that the road signs were placed relatively high above the street level to ensure visibility. Due to its height and solid roof, the proposed kiosk may briefly obscure the subsequent roundabout sign at a certain point on the approach up Tenter Street. However, this would be fleeting, and would not cause drivers to miss what is a clearly visible roundabout a short distance ahead.
19. The kiosk would be located close to a pedestrian crossing but would not so close that pedestrians are likely to step out into the road from behind the kiosk unseen by oncoming traffic. Moreover, the position of the kiosk in the wide footway would not obstruct pedestrian flows. The proposal would not therefore be harmful to highway safety.

Appeal B – 30 The Moor

Character and appearance

20. The Moor is a busy, pedestrianised shopping street which has undergone extensive public realm improvements, evident in the co-ordinated and ordered street furniture set primarily in two rows to either side of the street, with freestanding retail pod buildings and seating areas aligned along the central

spine. The proposed kiosk would be placed centrally within the street, in a broad area of open pavement between two sets of fixed seating in front of the freestanding Krispy Kreme building. This area, through an absence of street furniture, creates an open space between the busy lines of pedestrian traffic to either side and allows for views in either direction from the seating areas. The kiosk would stand conspicuously in this space and would harm this sense of openness. The angular, functional design of the kiosk would also appear discordant when seen in context with the contemporary, curved designs of the street furniture and pod buildings.

Highway safety

21. The open space around the appeal site affords pedestrians a natural crossing point from one side of the street to the other free from negotiating the street future elsewhere along the central spine. The proposed kiosk would be positioned along the natural diagonal flows of pedestrians through this space. In this position and given the high amount of footfall in the area, the kiosk would form a serious impediment to the safe movement of pedestrians.

Appeal C – 30 Eyre Street

Character and appearance

22. Eyre Street is a busy route for vehicular traffic to and from the city centre. It is peripheral to the main retail areas and features a variety of uses such as multi-storey car parks, educational buildings and a hotel. Although not a main retail area, it has nevertheless undergone similar public realm improvements to those on The Moor and elsewhere. A line of benches, bins and street trees runs close to the centre of the footway, parallel to the building line and the road. A number of poles for street lights and traffic signs stand closer to the kerb, but their slender profiles do not detract from the main line of street furniture. A freestanding digital advertisement stands to one end of this line of street furniture.
23. The kiosk would be located to the other end, close to the corner with Matilda Street. It would align with the other street furniture; however, its size and bulk would contrast markedly with the slender profile of the trees and bins, and the low profile of the benches. Due to its position in front of the other furniture, facing the open space of the adjacent junction, the kiosk would appear conspicuous and discordant and would harm the appearance of the street.

Appeal D – Arundel Gate (Adsetts Centre)

Character and appearance

24. Arundel Gate is a broad thoroughfare framed by substantial buildings, including several forming part of Sheffield Hallam University. The kiosk would be located in front of one of these, the Adsetts Centre, within a wide footway. At my site visit, I saw that a row of cycle racks next to railings on the inner part of the footway, shown in the appellant's photograph, had been removed. Street furniture in the immediate surroundings was limited, comprising slender trees and poles set in a line towards the centre of the footway. There was a freestanding digital advertisement a short distance from the site of the proposed kiosk, located close to the outer edge of the footway, and in the other direction a bus shelter.

25. The kiosk would be positioned towards the inner side of the footway, close to the previous position of the cycle racks. However, whereas the cycle racks were set close to the railings on the inside of the footway, the kiosk would be positioned just beyond the point where the railings turn 90 degrees inwards to the building entrance. As a result, the kiosk would sit in an exposed and discordant position in the footway, neither set against nor in line with other street furniture. Moreover, it would also stand squarely in front of the bottom of the entrance steps to the Adsetts Centre. Due to its size, it would be an incongruous feature which would detract from the entrance to the Adsetts Centre and from the open character of the street scene.

Appeal E – Charter Row (Sainsbury’s)

Character and appearance

26. Charter Row runs parallel to The Moor and has undergone similar public realm improvements, with broad, open footways and very limited street furniture affording long vistas up and down the street. The kiosk would be located in a transitional part of the street without shopfronts, the adjacent site being the rear yard of the Sainsbury’s store on The Moor. Here, in the absence of other street furniture, the proposed kiosk would appear as a prominent and isolated feature. Due to the open character of the street, the kiosk would be visible in long views and would appear conspicuous due to its size and form. Whilst I noted an increase in street furniture further along the street outside Atkinsons department store, including bus shelters, benches, totem signs and digital advertisements, the proposal would be isolated from this street furniture and would appear discordant and harmful to the street scene as a result.

Appeal F – 190 Fitzwilliam Street

Character and appearance

27. Fitzwilliam Street meets Charter Row a short distance from the site of Appeal E, beyond Atkinsons department store. The proposed site of the kiosk is shown on the appellant’s documents being close to the junction in front of a line of street trees and outside a two storey building. However, when I visited the site, the building had been demolished and the street trees removed. Indeed, the actual site of the kiosk was enclosed behind hoardings to the large building site which now occupies the immediate area. As such, the character of the area is set to undergo inevitable change once the site has been redeveloped. However, I am not aware of what the proposed plans for either the site or the adjacent footway, so I have made my assessment on the basis that the footway would return to its previous appearance or similar.
28. The kiosk would be located in line with the street trees but would be close to the junction and highly visible as a result. Though I saw various items of street furniture around and on the junction, these were largely slender, functional items such as signage, street lights, traffic lights and railings. Whilst I saw a number of freestanding digital advertisements, these were located away from the main area of the junction and did not appear prominent in the context of the appeal site, nor did they appear to have comparable bulk to the proposed kiosk. Therefore, due to its size and prominent position, the kiosk would be discordant and obtrusive in the street scene and would detract from the character and appearance of the area.

Highway Safety

29. The kiosk would be located within the middle of the footway. Given the construction works, it was unclear if the low level of level of footfall I observed around the site was normal, though I note the Council identifies the street as forming a well-used pedestrian link from the City Centre to Devonshire Green and the University of Sheffield. The kiosk would be beyond the pedestrian crossing and so would not obscure drivers' views of pedestrians stepping into the road, but given its position in the centre of the footway, it would form a significant impediment requiring those on foot to divert their path and so would be an impediment to the safe movement of pedestrians.

Appeal G – 32 Furnival Gate

Character and appearance

30. The kiosk would be located close to the corner of Furnival Gate and Eyre Street at the Furnival Square roundabout. The site of Appeal H is directly across the street near the corner of Furnival Gate with Arundel Gate. The kiosk would be located in front of a row of slender columns supporting an overhanging section of the adjacent building. Beyond this, the footway opens up around the corner of the roundabout and features an area of improved public realm with street trees and benches. Other smaller items, including bins and bollards, were of the same design seen elsewhere in the city centre where the public realm has been improved.
31. The proposed kiosk would be an obtrusive addition to this considered public realm. Its placement next to the slender columns of the adjacent building would draw undue attention to its bulky, angular form which would contrast with the curved aesthetic of the adjacent public realm features and would detract from the high quality appearance of the public realm.

Highway Safety

32. I saw that the position of the kiosk at the end of the row of columns marked a desire line for pedestrians walking around the outside of the columns. The kiosk, due to its size and footprint would therefore form a significant impediment to the free movement of pedestrians along the footway.

Appeal H – 51 Furnival Gate

Character and appearance

33. The kiosk would be located directly across the street from the site of Appeal G, within a similarly upgraded public realm on the corner of the roundabout and stretching up Furnival Gate. The area has an open, uncluttered appearance due to the slender profile of the street furniture and its careful placement within the street. The kiosk would be positioned towards the outer edge of the footway, where its height and massing would be highly conspicuous within the open footway compared to the minimal massing of adjacent poles and bollards. For these reasons, the siting and appearance of the proposal would harm the character and appearance of the area.

Highway Safety

34. Notwithstanding the temporary narrowing of the footway caused by adjacent construction hoardings, the position of the kiosk to the outer edge of the footway, given its size and footprint, would narrow the width of the footway at this point, creating a pinch point which would impede the free movement of pedestrians.

Appeal I – Sheaf Street (near junction with Pond Street)

Character and appearance

35. The kiosk would stand in the centre of a broad section of the footway on Sheaf Street, immediately across from Sheffield train station, but screened by the prominent water feature wall in front of the station. The area is busy as it forms a pedestrian route from the station to the city centre and the many surrounding buildings of Sheffield Hallam University. As with the other sites, the public realm has been improved in this area, with minimal street furniture and an open, uncluttered appearance. An existing kiosk a short distance along the street was a notable exception to this. The proposed kiosk would form a prominent feature in the centre of the footway which would appear discordant due to its exposed position, size and bulk and would undermine the planned open character of the public realm, which otherwise comprises slender trees and street poles, whilst creating a cluttered appearance given its proximity to the existing kiosk.

Highway Safety

36. The surrounding area experiences heavy footfall given its proximity to the train station and various buildings of Sheffield Hallam University. However, the footway is sufficiently wide at this point and the kiosk's position in line with the trees means it would not be an impediment to the main pedestrian flows along the street. It is also sufficiently distant from the nearest pedestrian crossings and so the likelihood of pedestrians stepping out from behind the kiosk into the footway or adjacent cycle land is low. Therefore, I find that this proposal would not lead to harm to highway safety.

Appeal J – Sheaf Street (Workshops)

Character and appearance

37. The kiosk would stand in an open area of hard surfacing across the street from the main train station, a short distance along the street from the site of Appeal I. The public realm has been improved in this area and forms part of the setting of the train station, listed at Grade II. Street furniture in the area is consistent in design, with the slender profiles of street lighting poles to minimising their visual impact. The number of other objects in the street is also limited which creates a sense of spaciousness and allows clear views of the listed station building, which contributes to its significance as a prominent and historic public building. There are a number of existing objects in the footway adjacent to the site of the kiosk, including a utility box and a totem sign, a covered walkway forming part of the route from the train station to the nearby bus interchange, a number of railings and cycle racks. Of these, the utility box and cycle racks are of minimal scale or discreet position and do not draw the eye. The railings and covered walkway do not stand out prominently in the

street scene as they are set back from the road are read as part of the adjacent university building forecourt.

38. The totem sign is more noticeable, but its slender profile does not appear out of step with the other street furniture. In contrast, the proposed kiosk would have more visual impact given its broader shape and overall height and would stand closer to the main footway in a more exposed position. Through its size and form, it would stand out as a discordant feature, unrelated to the existing public realm design. It would draw more attention to the existing street furniture and create a cluttered arrangement of unrelated objects in the footway, which would be visible in the same context as the listed station and would adversely affect its setting, particularly as it is experienced on the exit from the covered walkway where the station is immediately in view.

Highway safety

39. The kiosk would be located close to a busy route for pedestrians connecting between the train station and bus interchange and accessing the university building. I saw the overall area of shared surface paving to be wide at this point, with the main footway route demarked in the centre by differently coloured paving, between the outside cycle lane and the area forming the forecourt of the university building. Although the kiosk would be an additional object in this area, its position did not appear to intrude into the desire lines for pedestrians passing along Sheaf Street or seeking to enter or exit the covered walkway from either direction. As the kiosk would sit within a section of the footway which already has obstacles, it is unlikely that its siting would make pedestrians divert their route or force them into the cycle lane. Therefore, the proposal would not be harmful to highway safety.

Appeal K – The Moor (outside Debenhams)

Character and appearance

40. I have set out the characteristics of The Moor in Appeal B. The site of Appeal K would be a short distance along the same street and set in a similar context. The proposed kiosk would be placed centrally within the street, in a broad area of open pavement between fixed seating in front of the freestanding Café Nero building and a more extensive area of seating, a street tree and bin close to the top of the street and the junction with Furnival Gate. This area, through an absence of street furniture, creates an open space between the busy lines of pedestrian traffic to either side and allows for views in either direction from the seating areas. It also forms an important area of open space close to the top of the street and provides a sense of openness and arrival into the area. The kiosk would stand conspicuously in this space and would harm this sense of openness. The angular, functional design of the kiosk would also appear discordant when seen in context with the contemporary, curved designs of the street furniture and pod buildings which proliferate the area and would detract from the coherent and high quality appearance of the area.

Highway safety

41. The open space around the appeal site affords pedestrians a natural crossing point from one side of the street to the other without having to negotiate through or around street furniture elsewhere along the central spine. The

proposed kiosk would be positioned along the natural diagonal crossing flows of pedestrians through this space. In this position and given the high amount of footfall in the area, the kiosk would form a serious impediment to the safe movement of pedestrians.

Appeal L – West Bar Green (adjacent Weston Tower)

Character and appearance

42. The kiosk would stand towards the outer edge of the footway, where a line of existing street furniture is spaced out along this section of the street, including a freestanding digital advertisement, street light poles, traffic signs and a modern, open-sided telephone kiosk with an advertisement. There is also an older style, enclosed telephone box to the inner side of the footway near the digital advertisement. The proposed kiosk would be located a short distance from these two objects, and would be seen in context with the other, open-sided kiosk slightly further along. Though these existing objects are of a similar height and scale to the proposed kiosk, their number and proximity to each other already creates a cluttered arrangement, particularly as one must look and pass between the phone box and advertisement. The proposed kiosk, through its siting, would add to this cluttered arrangement and so would detract from the character and appearance of the area.

Appeal M – 127 The Moor

Character and appearance

43. The kiosk would be located towards the bottom of The Moor, close to the unction with Fitzwilliam Gate/Cumberland Street, and within a short pedestrianised area leading to Council offices at the end. At the time of my visit, the site of the kiosk was occupied by a burger van with seating in front of it. This vehicle is clearly larger than the kiosk, but unlike the kiosk it is not permanent and can be moved.
44. This section of The Moor did not appear to have undergone the same level of public realm improvements, judging by the different paving on the ground. Nonetheless, it remained a busy part of the street and maintained the two rows of street furniture and trees which characterises the rest of the street. Setting aside the burger van, the kiosk would form the first element of street furniture as one enters from further up The Moor and would be highly visible given a road crosses directly in front of it. Though I saw a pair of freestanding adverts to the rear of this pedestrian space near the Council offices, they were not prominent in longer views when approaching along The Moor. Otherwise, I saw the street furniture to be modest in scale and discreet in the street scene. In contrast, the size and bulk of the kiosk, and its prominent siting, would result in it appearing conspicuous and discordant in the street scene, harming the character and appearance of the area.

Highway safety

45. The kiosk would be readily seen on approach along the Moor, and so would not impede pedestrians moving directly along the street. However, pedestrians also approach from Fitzwilliam Gate and Cumberland Street and move across the space as well as along it. I saw that there were market stalls, temporary signs in the footway for adjacent shops and display of goods outside shops. Though

these elements are not permanent, it is reasonable to consider they are regular features of the street scene. Given these features, and patterns of pedestrian movement, I find that the proposed kiosk would add a further impediment to the safe movement of pedestrians and so would be harmful to highway safety.

Other Matters

46. I have had regard to various appeal decisions referred to me by the appellant² relating to proposals in London. The Council has also referred to me appeal decisions relating to kiosks in Sheffield³, though mainly for different locations around the city. However, I do not have full details of the nature of the proposals or the circumstances relating to these appeals to make any meaningful comparisons with the appeals before me. Consequently, I cannot be sure that these are entirely representative of the circumstances in these appeals and, in any case, I have determined these appeals on their own merits.
47. In addition, the appellant has submitted court judgements⁴, in support of arguments that matters such as anti-social behaviour, maintenance and repair should not be taken into account. However, the Council did not raise these matters in its decisions and it has not been necessary for me to consider them further.

Conclusions

48. In each case, I find that the proposals would be detrimental to the character and appearance of the area. Though not decisive, I have had regard to development plan policies in so far as they are material. In each case, there would be conflict with Policy BE10 of the UDP in respect of the design and environmental improvements of streets and pedestrian routes. The proposals would also conflict with Policies CS61 and CS74 of the Sheffield Core Strategy 2009 (the CS) which require development to respect and enhance the City's townscape and provide a high quality pedestrian environment.
49. In addition, for those sites in defined shopping areas and business areas, there would be conflict with respectively with Policies S10 and IB9 of the UDP which both require development in each area to be well designed and of a scale and nature appropriate to the site.
50. In Appeal J, there would be harm to the setting of the listed train station building and conflict with Policy LR5 which resists development in Open Space Areas where, amongst other things, it would harm the open space which forms the setting of a listed building. This harm would be less than substantial in the language of the Framework, but nevertheless must be given great weight.
51. I also find that, due to their siting and appearance, the kiosks subject to Appeals B, F, G, H, K and M would hinder pedestrian movement and would lead to conditions detrimental to highway safety. These proposals would therefore conflict with Policy BE10 of the UDP in relation to the provision of safe and convenient access for pedestrians, and conflict with Policy CS61 of the CS in

² APP/X5210/A/12/2178982; APP/X5990/A/12/2187244

³ APP/J4423/W/17/3183039 and others; Ref: APP/J4423/W/17/3183033 and others

⁴ David Sidney Murrell, Christine Ruth Murrell v Secretary of State for Communities and Local Government, Broadland District Council [2010] EWCA Civ 1367; Infocus Public Networks Limited v The Secretary of State for Communities and Local Government, The Mayor and Commonality of the Citizens of London [2010] EWHC 3309 (Admin)

relation to the safe and convenient movement of pedestrians within the City Centre. There would also be conflict with the similar aims of Policies S10 (Appeals B, G, H, K and M) and IB9 (Appeal F). Though I have not found harm in relation to highway safety in Appeals A, I and J, this does not overcome the harm identified in respect of character and appearance in each case.

52. The proposals would also conflict with the National Planning Policy Framework (the Framework) in respect of requiring good design and promoting sustainable transport. The Framework does, however, support the development of high quality communications infrastructure and emphasises the contribution that such development makes towards local community facilities and services. The proposals would bring economic benefits and provide competition and choice for the public. The kiosk design would allow for wheelchair access and the use of solar power for interior light would be a sustainable, energy efficient solution.
53. However, in my judgement, the benefits arising from the proposals are not sufficient to outweigh the harms I have identified in each case, including in Appeal J the less than substantial harm to the setting of the listed building.
54. For the reasons given above, therefore, and taking account of all material planning considerations, all of the appeals are dismissed.

K. Savage

INSPECTOR