

Appeal Decisions

Site visit made on 13 February 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2024

Appeal A Ref: APP/Y1110/W/23/3315418 Pavement outside 250 High Street, Exeter EX4 3QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission.
 - The appeal is made by Mr Thomas Johnston of J C Decaux UK Ltd against the decision of Exeter City Council
 - The application Ref 22/1382/FUL dated 3 October 2022 was refused by notice dated 10 February 2023.
 - The development proposed is the installation of a multifunction Hub unit with integral advertisement display and defibrillator.
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Appeal B Ref: APP/Y1110/Z/23/3315419 Pavement outside 250 High Street, Exeter EX4 3QD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (The Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Thomas Johnston of J C Decaux UK Ltd against Exeter City Council.
 - The application Ref 22/1383/ADV, dated 3 October 2022, was refused by notice dated 10 February 2023.
 - The proposed advertisement is the installation of a multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Decisions - Appeals A & B

1. The section 78 and advertisement appeals are both dismissed.

Preliminary and procedural matters

2. A similar description is used for both appeals, but for the absence of doubt, the hub structure is the subject of the s78 planning appeal and the advertisement display is the subject of the separate advertisement appeal.
3. The hub is comprised of a free-standing rectangular unit measuring approximately 2.6m high, 1.3m wide and just over 300mm in thickness.

4. The appellant says that the hub offers '*...a range of services that include free ultrafast Wi-Fi, free phone calls to landlines and charities, defibrillator, wayfinding, device charging, rapid connection to emergency services, public messaging capabilities, and a platform for other technologies such as environmental conditions, CCTV and key data.*' These facilities are provided on one side of a hub under a curved canopy which also acts as a solar panel.
5. The intention is that all the facilities are provided free of charge¹ to the public to be paid for by the revenue generated by the digital advertising screen provided at the rear, on the other side of the hub. The advertisement display occupies most of the hub's rear surface area. Whilst the material displayed would be static, the nature of the display would change on a timed basis.
6. In respect of the advertisement appeal, the *Town and Country Planning (Control of Advertisements) (England) Regulations 2007* and the *National Planning Policy Framework* (the Framework) both clarify that advertisements should be subject to control only in the interests of amenity and public safety. The Council does not raise an issue relating to public safety, and I have no reason to either. The development plan policies referred to are treated as material considerations in the determination of the advertisement appeal.
7. The site is located within the City's Central Conservation Area (CA).

Main issues

8. The main issues are: the effect of the hub on the character and appearance of its surroundings; whether the proposal would preserve or enhance the character or appearance of the CA, and the effect of the advertisement on amenity.

Reasons

9. The hub would be sited outside Boots in the High Street. This is a part of the city centre which is distinctly commercial in character, and which was surprisingly busy with pedestrian traffic when I visited on a late winter's morning. Most vehicular traffic is excluded from this part of the High Street, but the hub would be sited close to bus stops, which were in use when I visited adding to the sense of activity.
10. I share the appellant's view that most of the buildings here are relatively modern, with shop fronts little different in appearance to those seen in town and city centres the length and breadth of the country. Nevertheless, there are obvious signs of the civic efforts made to make pedestrians feel welcome in the centre, by excluding most traffic, by the provision of segregated wide walkways, but also by well designed street furniture. For example, within clear sight of the hub's siting are well-designed sitting areas circled around trees, street sculpture and a series of synchronised metallic holders for flower displays. There are also information panels in close proximity, and bus stops.
11. To my mind, an acceptable and pleasant visual balance has been struck in the provision of good quality street furniture in this part of the High Street to make it appear as a welcoming place for the people it serves. I acknowledge the efforts made by the appellant in obtaining expert advice in the hub's design, nevertheless I share the Council's view that in view of its height and position it would stand out conspicuously and incongruously in the chosen location, leading

¹ Other than in certain circumstances

to an unacceptable cluttering in the street scene. It follows for largely the same reason that the large advertisement display would harm local visual amenity.

12. The harm to the local street scene would prove significant while that caused to the CA as a whole would be less than substantial. However, some harm would arise and this would result in the statutory test for development in conservation areas being failed, that is, neither the character or the appearance of the CA would be preserved or enhanced. I acknowledge the public benefits brought by the hub, but these do not outweigh the harm I have found, particularly when, according to the Council and others, provision for defibrillators is made elsewhere in the City Centre.
13. I conclude that the proposed hub would harm the visual qualities of the street scene and the character and appearance of the CA. For similar reasons, the advertisement would prove harmful to local amenity. Accordingly, the proposal conflicts with those provisions of Objectives 8 & 9 and policy CP17 of the Council's Core Strategy and saved policies DG1, DG8 & C1 of the Exeter Local Plan First Review directed to ensure that new development does not harm character and appearance and protects heritage assets.
14. All other matters raised in the representations have been taken into account, including the references to The Framework and the submissions made by third parties, but no other matter raised outweighs those considerations leading to my overall conclusion that both appeals should be dismissed.

G Powys Jones

INSPECTOR