
Appeal Decisions

Site visit made on 20 June 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th July 2025

Appeal A Ref: APP/W1525/W/25/3360534

Pavement outside 225-226 Moulsham Street, Chelmsford, Essex CM2 0LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (“the Act”) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of Infocus Public Networks against the decision of Chelmsford City Council.
 - The application Ref is 24/01675/FUL.
 - The development proposed is the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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Appeal B Ref: APP/W1525/H/25/3362143

Pavement outside 225-226 Moulsham Street, Chelmsford, Essex CM2 0LR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended (“the Regulations”) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still of Infocus Public Networks against the decision of Chelmsford City Council.
 - The application Ref is 24/01676/ADV.
 - The advertisement proposed is the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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Decisions

1. Appeal A is dismissed, and Appeal B is dismissed.

Preliminary Matters

2. There are two appeals on this site, and they differ insofar as Appeal A is against the refusal of planning permission to erect a structure that would constitute development under the Act, and Appeal B is against the refusal to grant express consent to display an advertisement, under the Regulations, on that structure. I have assessed each appeal on its individual merits. However, to avoid duplication I have dealt with the two appeals together except where otherwise indicated in these decisions.
3. In determining the appeals, I have had regard to my duty under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (“the LBCA”) to pay special attention, and have regard to, the desirability of preserving the settings of listed buildings, and to my duty under Section 72(1) of the LBCA, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Main Issues

4. The main issues in these appeals are the effects of the development and the display of the advertisement on amenity, the character and appearance of the Baddow Road and River Can Conservation Area ("the CA"), the settings of listed buildings, and the significance of non-designated heritage assets.

Reasons

5. The appeals are for a freestanding multifunctional communication hub with integral digital advertisement. This would be located more or less centrally within the pedestrianised part of Moulsham Street, near to the Stone Bridge, and within the predominantly retail and commercial core of the city centre.
6. Stone Bridge is a Grade II listed building and Scheduled Ancient Monument that forms a relatively prominent and highly legible 'landmark' structure at the crossing of the river. Insofar as is relevant to these appeals, its special interest and significance is derived partly from its age, traditional architecture and materials, and partly from its function within the historic network of routes through the city centre. This is appreciable from High Street and Moulsham Street, including the site of these appeals, which comprises part of the setting of Stone Bridge.
7. Further to the south of the site of these appeals is the early twentieth century Regent Theatre, a Grade II listed building, built in a decorative Rocco style. Insofar as is relevant to these appeals, its special interest and significance is derived partly from the grandeur of its decorative architecture and materials, which reflect its role and historic function as a venue for entertainment. This is appreciable from the High Street and from Moulsham Street, including the site of these appeals, which comprises part of the building's setting.
8. The site of the appeals lies within the CA, which encompasses part of the river, including Stone Bridge, and the predominantly commercial area roughly to its south, including the Regent Theatre. Despite the presence of some obviously modern buildings, the character, appearance and significance of the CA, insofar as it relates to these appeals, is partly derived from the sizeable proportion of period style commercial buildings in the area, which display a rich variety of high-quality traditional architecture, and their relationship with the streets and the river.
9. Those buildings include 1-5 and 222-226 Moulsham Street, near to the site of the appeals, which comprise high quality architecture and contribute positively to the character and appearance of the CA. I am advised that they are included on the Council's register of Buildings of Local Value. Given their high-quality architecture, I have treated them as non-designated heritage assets (NDHAs).
10. Set in long rows fronting onto a network of pedestrian and vehicular routes that are largely unobstructed and open in nature, those buildings in the CA create a strong built frontage that frames the streets and guides pedestrians through the area. This relationship creates a fine-grained and attractive townscape of a predominantly traditional character that is a highly legible part of the city's core, and likely reflective of its evolution as a commercial centre.
11. The open and relatively unobstructed nature of the public realm on this part of Moulsham Street, which includes the site of the appeals, contributes positively to

the character and appearance of the CA as a whole, the settings of the listed buildings referred to above, and the significance of the NDHAs.

12. Set centrally within the relative openness of Moulsham Street and at right angles to the facades of the buildings fronting onto it, the height and width of the proposed installation would cause it to appear as a bulky freestanding structure. It would be far bulkier than the existing street furniture in the area, which consists mostly of small or relatively permeable thin profiled bollards, streetlights, seating and bins. In this context, the proposed installation would appear as an intrusive element of visual clutter that would harmfully erode the relative openness of the public realm, to the detriment of the character and appearance of the CA. This would be exacerbated in views looking south by the appearance of the illuminated advertisement in a straight-ahead position.
13. In street level views looking south from the High Street and across the Stone Bridge, the proposed installation would be seen in the foreground of the Regent Theatre and between the frontage buildings on both sides of the street. In this position, the structure would be seen in a straight-ahead position, where its bulk and the relative prominence of its illuminated advertisement, would harmfully interrupt views of the attractive period buildings in the townscape. This would harm the character and appearance of the CA, and cause some limited harm to the significance of the NDHAs close to it. In particular, the proposals would draw the eye away from the Regent Theatre and harmfully impinge upon the spacious setting in which its architectural and historic interest is appreciated.
14. In various street level views in the opposite direction from Moulsham Street, the proposed structure's bulk would partly obscure views of the Stone Bridge. In so doing, it would impinge upon its spacious setting and harm the appreciation of its architectural interest and historic functional role as a legible landmark structure. Whilst the proposed advertisement would not be visible in those views, it does not alter my finding of harm in respect of the proposed structure.
15. Adverts on the facades of buildings are prevalent around the site of the appeals. However, the siting of the proposed advert is materially different to those and for the reasons given above, I have found that it would be harmful in this instance. Controlling luminance levels and switching the proposed advertisement off overnight would not be sufficient to overcome the harm caused by the proposed installation and the display of the advertisement.
16. The special interest of the Grade II listed buildings at Numbers 56-57 and 58-58, which is derived from their age and high quality traditional architecture, would not be harmed due to the curvature of the street and distance of separation from the site of the appeals. However, this is not a benefit weighing in favour of the appeals.
17. Similar installations were allowed on appeal elsewhere in the city centre at 18 High Street¹ and 19 Springfield Road². They appear to be operational and there are clear similarities between each of them and the appeals before me. However, the former is sited to one side of the pedestrian public open space, rather than in the centre. The latter, whilst located centrally within the pedestrian public realm, is sited within a different context and is not indicated by the appeal decision to be

¹ APP/W1525/W/24/3338617 & APP/W1525/Z/24/3338620

² APP/W1525/H/23/3333307

within a conservation area. As such, the locational contexts and effects of those installations are materially different to the proposals in the appeals before me and hold limited relevance and weight to my decisions.

18. For these reasons, the proposals in both appeals would fail to preserve or enhance the character or appearance of the CA and thus cause harm to its heritage significance. They would also fail to preserve the settings and special interest of the Grade II listed Stone Bridge and the Grade II listed Regent Theatre causing harm to their respective significance. There would also be some limited harm to the NDHAs.
19. In terms of the National Planning Policy Framework (“the Framework”) the degree of harm to those designated heritage assets would be at the lower end of the ‘less than substantial’ category. I am required by Paragraph 212 to give great weight to the conservation of designated heritage assets, and this is therefore a matter of considerable importance in my decisions. Paragraph 215 of the Framework indicates that the harm to heritage assets should be weighed against the public benefits of a proposal.
20. The proposed installation would enhance the electronic communications network for the public, including through provision of free ultrafast Wi-Fi, free phone calls to landlines and charities, wayfinding, device charging, rapid connection to emergency services and public messaging capabilities. The Framework supports the expansion of electronic communications networks.
21. Those functions would be useful to some people in the city centre. However, there is an existing digital sign further away on the wider part of the High Street that displays travel information, along with phone boxes in the city centre. Furthermore, the use of personal phones and mobile devices is widespread and would be expected to provide the public with convenient options for communicating and receiving messages from a wide range of public and private sources.
22. The appeal installation would also provide access to a potentially lifesaving defibrillator device, along with accommodating technology to capture environmental data, CCTV and air quality monitoring. It would be powered by renewable energy, contributing to reducing greenhouse gas emissions. However, the evidence suggests that a number of defibrillators are accessible within the city centre, and I have limited substantive evidence of any demand or need for data collection or monitoring in this specific location.
23. Taking all the above into account, the public benefits of the proposed installation would be small given its scale and nature. They carry modest weight in its favour and are insufficient to outweigh the less than substantial harm to the relevant designated heritage assets, including the harm to the NDHAs. For these reasons I find that the schemes in these appeals would conflict with Section 66(1) and 72(1) of the LBCA, and would fail to accord with Policies S3, DM13, DM14 and DM23 of the Chelmsford Local Plan, Adopted May 2020, insofar as they require development to preserve or enhance the character or appearance of conservation areas and the historic environment, and not adversely affect the significance of a listed building, including views to and from the building or the townscape character.

Other Matters

24. An absence of harm to public safety is a neutral factor that does not weigh in favour or against the appeals.

Conclusion

25. For the reasons given above and having considered all evidence before me, I conclude that the appeals should be dismissed.

G Sylvester

INSPECTOR