



Appeal Decisions

Site visit made on 1 July 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal A Ref: APP/W1525/W/25/3360532

Pavement outside 67 High Street, Chelmsford CM1 1DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 24/01673/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/25/3360533

Pavement outside 67 High Street, Chelmsford CM1 1DH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) 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 24/01674/ADV.
 - The advertisement proposed is the installation of illuminated free standing sheet advertisement screen.
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Decision

1. Appeal A is allowed, and planning permission is granted for the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement at pavement outside 67 High Street, Chelmsford CM1 1DH in accordance with the terms of the application, Ref 24/01673/FUL subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings and documents: Site Plan & Images- A02717; Appendix A Hub Specification; Appendix B Community Channel; Appendix D Zoll 3 Specs; Appendix F Reinstatements; Appendix G Hub Unit Management Plan; Flood Risk mitigation Letter; Hub Unit Brochure and Hub Unit Specification.
2. Appeal B is allowed, and express consent is granted for the display of the proposed installation of illuminated free standing sheet advertisement screen at pavement outside 67 High Street, Chelmsford CM1 1DH in accordance with the terms of the application, Ref 24/01674/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:

- 1) The illumination of the advertisement shall not exceed 300 candelas per square metre during hours of darkness in accordance with the recommendations of the Institute of Lighting professionals.
- 2) No advertisement displayed shall be illuminated between the hours of 0000 (midnight) and 0600 the following morning.

Preliminary Matters

3. The address on the application forms refers to 67-68 High Street, Chelmsford, but the appeal site is the pavement in front of this building. The site plan and images in document A02717 illustrate and describe the appeal site as 'pavement outside 67-68 High Street'. Consequently, the site address in the banner headings above has been amended to correlate with the address detailed in document A02717 as this best reflects the address of the appeal site.
4. Appeal A concerns the refusal of planning permission to erect a multifunctional communication hub with integral defibrillator. Appeal B concerns the refusal of express consent to display an advertisement on the communication hub. I have considered each on its individual merits. However, as they raise similar issues, I have combined both decisions into a single decision letter.
5. In determining the appeals, I have had regard to my duty under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Main Issues

6. The main issue in Appeal A is the effect of the proposed development on the character and appearance of the Chelmsford Central Conservation Area (CA) and the Non-Designated Heritage Asset known as 36-38 High Street (NDHA).
7. In relation to Appeal B, the 2007 Regulations, the National Planning Policy Framework and the Planning Practice Guidance make clear that advertisements should be subject to control only in the interests of amenity and public safety. There is no reference to public safety therefore the main issue in Appeal B is the effect of the proposed advertisement on visual amenity, and whether it would preserve or enhance the character or appearance of the CA.

Reasons

8. The appeal site is located on a wide pedestrianised High Street, within the CA. The Chelmsford-Central Conservation Area Character Appraisal¹ identifies this section of the High Street as having an active commercial frontage with the High Street being recognised as an important public space which positively contributes to the character of the CA. The significance of the CA, as is relevant to these appeals, is derived from its role as the commercial and retail 'heart of the city'.
9. Shopfronts along the high street are variable in quality with the prevailing character in the vicinity of the appeal site being modern shopfronts with large fascias. The site is located close to 36-38 High Street, which the Council identify as a NDHA. From my observations on site, the significance of this building would appear to

¹ Adopted in November 2007

relate to its historic form including its windows, stepped parapet and detailing above ground floor level.

10. The height and width of the proposed multifunctional communication hub and advertisement (the hub) would not be visually intrusive or result in visual clutter. This is because the hub would sit comfortably below the canopy of the nearby tree and in line with the existing street furniture including public seats, bins, lamp posts and trees. As a result, its position in combination with its design and advertisement would be in keeping with the vibrant modern shopfronts in the High Street and therefore it would preserve the character and appearance of the CA.
11. Due to the hub being positioned centrally in the high street with neither the communication side nor advertisement facing the NDHA, it would not negatively affect the setting of the asset. This is because the hub would not be viewed in conjunction with the NDHA, and its height would not impede views of the significant upper floors/façade of the asset.
12. The hub would be positioned in line with existing street furniture and close to a large tree. As a result, a sufficient gap would remain between the hub and streetlight, which would allow people to cross from one side of the High Street to the other. This would reduce the hubs impact on the movement of pedestrians and due to it being in line with other street furniture, would not increase the risk to visually impaired pedestrians.
13. Reference is made to the hub resulting in significant congestion on market days and interfering with the market layout. However, I attended the site on a market day and on this date, the market did not extend as far as the appeal site and there was plenty of room on the High Street for pitches and pedestrians. Whilst the photos at CCC5 attached to the Councils appeal statement highlight a busier market, in these photographs, the appeal site does not appear to occupy a pitch. Accordingly, it has not been sufficiently demonstrated that the proposals would negatively affect the market layout.
14. The Chelmsford Town Centre Public Realm Strategy SPD² (SPD) aims to reduce street clutter by grouping street furniture wherever possible. Given that the proposals are close to and in line with the existing street furniture, the hub would comply with the aims of the SPD.
15. Appeals are referenced whereby freestanding hubs in Chelmsford City Centre have been refused planning permission and advertisement consent and the subsequent appeals have been dismissed³. In these examples the proposed freestanding hubs were in the setting of listed buildings where there is a requirement for decision makers to have special regard to the desirability of preserving the building or its setting. Given the appeal site is not within the setting of a listed building, these cases are significantly different to the appeal scheme, and this limits the weight that I can ascribe to them in determining this appeal.
16. For the above reasons, the proposals would preserve the character and appearance of the CA, the visual amenity of the area and the significance of the NDHA known as 36-38 High Street, through development within its setting. As a result, the proposals would be compliant with policies SPS3, DM13, DM14 and

² Adopted in January 2011

³ 3314788 and 3314791, 3333313 and 3333314 and 3241891.

DM23 of the Chelmsford Local Plan⁴. Amongst other things, these policies seek to preserve or enhance the character of conservation areas, retain the significance of non-designated heritage assets and respect the character and appearance of the area in which it is located.

Other Matters

17. The Council refer to a Public Spaces Protection Order (PSPO) which prohibits A-boards and advertising structures in the city centre. However, the PSPO does not prevent planning permission and advertisement consent from being sought.
18. Whilst there is little public benefit in locating a defibrillator where there are existing defibrillators close by, given that I have neither found harm to the CA nor setting of the NDHA, the proposed development does not need to demonstrate a public benefit.

Conditions

19. I have had regard to the Council's suggested conditions and the six tests. For Appeal A, in addition to the standard time condition, a condition is required to specify the approved plans and documents to ensure clarity.
20. In Appeal B, in addition to the standard five conditions set out in Schedule 2 of the 2007 Regulations, conditions to restrict the level of luminance and control the times at which the advertisement can be illuminated have been suggested by the appellant. These are required to ensure that the advertisement is not overly bright and to preserve the character and appearance of the CA.

Conclusion

21. For the reasons given above, Appeal A and Appeal B should be allowed, subject to the conditions set out in my decisions.

V Goldberg

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/W1525/W/25/3360532	IN FOCUS PUBLIC NETWORKS
Appeal B	APP/W1525/H/25/3360533	IN FOCUS PUBLIC NETWORKS

⁴ Adopted in May 2020