



Appeal Decisions

Site visit made on 12 August 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal A Ref: APP/M1520/W/25/3367206

Footpath Outside 123 London Road, South Benfleet, Benfleet SS7 5UH

- 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 Simon Warner of BT Group Plc against the decision of Castle Point Borough Council.
 - The application Ref is 25/0163/FUL.
 - The development proposed is the installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit.
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Appeal B Ref: APP/M1520/H/25/3367207

Footpath Outside 123 London Road, South Benfleet, Benfleet SS7 5UH

- 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 Simon Warner of BT Group Plc against the decision of Castle Point Borough Council.
 - The application Ref is 25/0164/ADV.
 - The advertisement proposed is the installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit
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Decision Appeal A

1. The appeal is allowed and planning permission is granted for the installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit at Footpath Outside 123 London Road, South Benfleet, Benfleet SS7 5UH in accordance with the terms of the application, Ref 25/0163/FUL, subject to the conditions in the attached schedule.

Decision Appeal B

2. The appeal is allowed and express consent is granted for the display of two digital 75 inch LCD display screens, one on each side of the Street Hub unit at Footpath Outside 123 London Road, South Benfleet, Benfleet SS7 5UH in accordance with the terms of the application, Ref 25/0164/ADV, dated 26th February 2025. 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 additional conditions in the attached schedule.

Preliminary Matters

3. I have used the descriptions from the respective application forms in the banner headings above. However, in my formal decision for appeal B I have amended the description to match the description used by the Council on the decision notice, as this more accurately describes the proposed advertisement.

4. As set out above, there are two appeals on this site. They differ only in that appeal A relates to planning permission and appeal B to express advertisement consent. I have considered each on its individual merit. However, as they raise similar issues, I have dealt with the two schemes together, except where otherwise indicated, to avoid duplication.
5. In respect of appeal B, the Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. Regard does not need to be had to the development plan. Therefore, while I have taken relevant policies of the Castle Point Borough Council Local Plan (1998) (the LP) into account as a material consideration, they have not been determinative.

Main Issues

6. The main issues for appeals A and B are the effects of the proposal on:
 - the character and appearance/visual amenity of the area; and
 - highway and pedestrian/public safety.

Reasons

Character and appearance/visual amenity

7. The appeal site relates to a section of a pavement on the northern side of London Road to the front of the Nisa Extra. The site lies within an area designated as the Primary Shopping Frontage which is predominately commercial in character. Various commercial premises line both sides of the street at ground floor level. Within the carriageway adjacent to the site is a taxi stand. The footway in the vicinity of the appeal site is wide and contains various street furniture including bus stops, litter bins, benches, bollards, guard railings, lamp posts and street signs. The width of the footway is broken up by a contrasting surface band which contains street trees and some of the abovementioned street furniture. At the time of my visit, both the footway and London Road were generally highly trafficked.
8. The proposed hub would be positioned between two existing bollards and back from the kerb. Whilst it would not be located within the darker band of surfacing of the footway, I observed other examples of street furniture positioned close to the kerb line. As such, its positioning would not be out of character with other installations in the vicinity and it would not confuse the legibility of the footpath. The hub would not perform a function in maintaining the safety of the local transport network and the Council considers it would have an overly commercial and private function in the public realm, for which there has been no demonstrated need. However, I have not been directed to any policy where this is a specific requirement, or where such developments are specifically resisted. Moreover, the proposal arguably would perform a public function in facilitating access to Wi-Fi and improving 5G coverage, amongst other things. There are also examples of street furniture containing advertisements in similar proximity to the carriageway that do not perform any other public function.
9. The modern design of the hub and use of dark materials would be in keeping with the colour and design of other street furniture in the vicinity, which would allow it to assimilate well with its surroundings. The total height of the hub may be taller than the nearby bus stops, however, the slim profile of the hub would reduce its bulk such that it would not be unacceptably prominent in the street scene. Therefore, whilst the hub

would be modern and contain digital displays, it would not be poorly designed or sited in relation to the context of the surrounding area. It would also be sufficiently separate from the nearby bus stops so as not to result in unacceptable clutter and in this commercial context it would not result in harm to the character and appearance of the area.

10. Alongside the usual signage above shop fronts, I observed other similar scale displays, including digital advertisements such as on bus stops and examples of totem and pole mounted signage in the vicinity of the appeal site. Given the scale of the highway infrastructure which includes a wide carriageway and footways either side, the advertisements within the hub would not appear overtly prominent or result in the proliferation of signage in the street scene. The appearance of the advertisement displays within the hub would not be unusual in this commercial area and given their size, they would not appear prominent set against the scale of the buildings in the immediate vicinity. As there are other examples of illuminated signage and the street would be well-lit by regular streetlamps, the illumination of the advertisements would not appear out of place either.
11. The Council states that there are no exceptional circumstances for consent to be granted for the advertisements as required by Policy S15 of the LP for hoardings and poster panels. However, insofar as it is capable of being a material consideration, this policy permits such advertisements in commercial areas subject to the scale being in accordance with the scale of the structure it is attached to, the adjacent buildings and the character of the surrounding area. As set out above, the advertisements would not be out of character with the commercial nature of the area, nor would the hub or advertisements within it be of a disproportionate scale to surrounding infrastructure.
12. Consequently, in respect of Appeal A, I conclude that the proposed development would not result in harm to the character and appearance of the area. It therefore accords with Policy EC2 of the LP which seeks a high standard of design for new developments which are appropriate to their setting and respect the character of the area. It would also accord with the provisions of the Framework insofar as it supports the creation of well-designed places. Reference is made to Policy S15 of the LP in the reason for refusal, however, as this policy relates to advertisements it is not determinative in respect of Appeal A.
13. In respect of Appeal B, I conclude that the proposed advertisement would not result in harm to the visual amenity of the area. I have taken into account the Policies S12, S13 and S15 of the LP and paragraph 141 of the Framework which, amongst other things, seek to protect visual amenity and ensure that advertisements are well designed, sited and respect the character of the area and so are material in this case. Given that I have concluded that the proposal would not harm visual amenity, it does not conflict with these local and national policies.

Highway and pedestrian/public safety

14. The hub would be positioned perpendicular to the carriageway, between an existing bollard and street sign pole. As the pavement is wide, there would be ample space around the hub for pedestrians to pass freely along the footway, including people using wheelchairs or with prams. As such, the proposal would not noticeably alter or restrict pedestrian movements along the footway.
15. The positioning of the hub adjacent to the taxi stand between two existing pieces of street furniture would reduce the available space for pedestrians walking towards the

taxi stand at this specific point. However, there would remain ample space either side of the adjacent bollards for pedestrians to manoeuvre and access the taxi stand. This would not result in pedestrians being any more exposed to traffic on the carriageway than the existing arrangement, given the taxi stand itself and any vehicles parked within it would continue to separate pedestrians from vehicles on the carriageway.

16. The plans indicate that the hub would be marginally closer to the kerb line than the adjacent bollards. However, during my site visit I observed vehicles parked within the taxi stand and it did not appear that the width of the stand was so restricted that vehicle doors could not be opened safely or without conflict with the bollards. Therefore, the positioning of the hub in this location would not provide any greater hinderance to the opening of vehicle doors within the taxi stand than would currently be experienced by the presence of the existing bollards. I note the Highway Authority have raised no objection to the proposals on highway or pedestrian safety grounds either.
17. In respect of Appeal B, the advertisement itself is integral to the hub. The Council has not identified any concerns that are specifically related to the advertisement in terms of public safety, other than the effect the hub would have on pedestrian movements and the safety and function of the adjacent taxi stand. Consequently, for reasons given above, I am satisfied that the advertisement would not obstruct pedestrian movements, the operation of the taxi stand or have a harmful effect on public safety.
18. Therefore, in respect of Appeal A, I conclude that the proposed development would not result in harm to highway and pedestrian safety. It therefore accords with Policy EC2 of the LP which requires, amongst other things, that developments have regard to the need to ensure all modes of movement are made safe and convenient. Reference is made to Policy S15 of the LP in the reason for refusal, however, as this relates to advertisements it is not determinative in respect of Appeal A.
19. In respect of Appeal B, I conclude that the proposed advertisement would not have a harmful effect on public safety. I have taken into account Policy S14 of the LP which seeks to ensure the advertisements do not affect the safe operation of traffic or the safety of pedestrians and paragraph 141 of the Framework which requires consideration of public safety in respect of advertisements, and so are material in this case. Given that I have concluded that the proposal would not harm public safety, it does not conflict with these local and national policies.
20. The Council has referred to Policies S12, 13 and S15 of the LP in the reason for refusal, however, as these policies do not relate to matters of public safety, they are not determinative in respect of Appeal B.

Other Matters

21. The appellant refers to the removal of the existing phone box in the vicinity of the appeal site as a benefit of the scheme. However, at the time of my site visit there was no phone box next to the bus stop in the location shown on the photographs within the appellant's evidence. As such, the potential benefits of its removal have not factored into my determination of this appeal.
22. I note the comments from Cadent Gas relating to gas infrastructure within the area and ensuring that the proposal does not infringe on legal rights of access or restrictive covenants. However, these are private matters between the relevant parties and have not had a significant bearing on the outcome of the appeal.

Conditions

23. The Council has suggested several conditions which I have considered against the Framework tests and Planning Practice Guidance. Where appropriate, I have adjusted the wording in the interests of clarity and precision.
24. For Appeal A, in addition to the standard time-limit implementation condition, it is necessary to specify the approved plans and documents in the interests of certainty. A condition is also imposed to ensure the ongoing maintenance and management of the hub in the interests of the character and appearance of the area and to ensure that the development does not increase crime and disorder. I have not imposed the condition suggested by the appellant for the removal of the existing BT payphone/telephone box as this has already been removed.
25. For Appeal B, in addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations, which are not repeated in the attached schedule, I have imposed conditions restricting the luminance of the advertisement, restricting the advertisements to static images and the frequency and nature of their changeover in the interests of the character and appearance of the area and highway safety. These are as suggested by the Council, which the appellant has not objected to. On the information provided I see no reason why the luminance of the advertisements should only be limited between dusk and dawn, in the interests of amenity and public safety.
26. I have also imposed conditions as suggested by the appellant to ensure the advertisements do not resemble traffic signs and to include a default freeze mechanism in the event of malfunction, for the same reasons. However, I have added the option to default to a black or blank screen in the event the advertisement display itself malfunctions.

Conclusion

27. For the reasons given above, I conclude that Appeal A and Appeal B should be allowed.

H Whitfield

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A

- 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 drawing nos and documents:
 - BAS-103 001 Rev C 'Existing Site Plan'
 - BAS-103 002 Rev C 'Proposed Site Plan'
 - BAS-103 004 Rev C 'Proposed Site Elevation'
 - STH-001 'Street Hub Dimensions Elevations'
 - BT Street Hubs Beyond Connection Street Hub Product Statement V2.0, dated September 2024
- 3) The development hereby permitted shall be managed in accordance with the management measures detailed in the BT Street Hub Anti-Social Behaviour Management Plan Version 3 for the lifetime of the development.

Appeal B

- 1) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 600 candela.
- 2) The minimum display time for each advertisement shall be 10 seconds and the advertisement display panels shall display static images only.
- 3) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect.
- 4) The advertisement digital display screens shall include a mechanism to default to a frozen advertisement or a blank or black screen in the event of any malfunction.
- 5) No content on the digital display screens shall resemble traffic signs, as defined in Section 64 of the Road Traffic Regulation Act 1984.

**** END OF SCHEDULE ****