
Appeal Decisions

Site visit made on 7 July 2025

by **L Fleming BSc (Hons) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal A Ref: APP/A1530/W/25/3365818

Pavement outside no. 28 High Street, Colchester, CO1 1DB

- 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 BT Group PLC against the decision of Colchester City Council.
 - The application Ref is 250204.
 - The development proposed is Installation of New BT Street Hub and Associated Display of Advertisement Panels to Both Sides of the Unit.
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Appeal B Ref: APP/A1530/H/25/3365819

Pavement outside no. 28 High Street, Colchester, CO1 1DB

- 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 BT Group PLC against the decision of Colchester City Council.
 - The application Ref is 250205.
 - The advertisement proposed is two digital 75 inch LCD display screens, one on each side of the Street Hub unit.
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Decisions

Appeal A Ref: APP/A1530/W/25/3365818

1. The appeal dismissed.

Appeal B Ref: APP/A1530/H/25/3365819

2. The appeal is dismissed.

Preliminary Matters and Main Issues

3. Both appeals relate to the same proposal on the same site. Appeal A concerns the refusal of planning permission, whereas Appeal B concerns the refusal of express advertisement consent. I have assessed each on its own merits, but as they raise similar issues, both decisions have been combined into a single decision letter.
4. The main issues for Appeal A are the effect of the proposed development on the character and appearance of the area including its effect on designated heritage assets and highway safety. Whereas the main issues for Appeal B are the effect of the advertisement on amenity and public safety.

Reasons

Character and Appearance and Amenity (Appeals A and B)

5. The proposed hub would be located on the pavement in front of the grade II listed 28 to 30 High Street (28 to 30 High Street), on a commercial High Street within

Colchester City Centre and the Colchester Conservation Area Number 1 (CA). It would be on the opposite side of the road to the grade I listed Town Hall (the Town Hall) and a number of associated listed buildings known as the grade II* listed Column and Street Light, Left of Entrance to Town Hall, the grade II* listed Column and Street Light, Right of Entrance to Town Hall (the columns and lights).

6. The expansive CA encompasses the whole of the historic Roman walled town and areas adjoining it. The traditional buildings in the CA are mainly of medieval, post-medieval, Georgian and Victorian origin and generally arranged in response to the historic street pattern. Thus, insofar as is relevant to these appeals, the significance of the CA is founded on the age, architectural detailing and layout of the traditional buildings within it.
7. 20-30 High Street is a C18 partly timber framed and plastered and part brick three storey building with a tiled roof. It has a decorative cornice and central parapet as well as other traditional architectural features and commercial shop fronts at street level. Insofar as is relevant to these cases, its significance is founded on its traditional architectural interest.
8. The Town Hall, built in 1898 in brick and Portland stone with rich classical architectural detailing to reflect its status stands out as an exceptional municipal building. The columns and lights are in the same style and have the same imposing effects on the High Street when viewed alongside the Town Hall. Insofar as is relevant to these proposals, the significance of all three of these heritage assets derives from their architectural and historical interest and their prominence in the street frontage.
9. The proposal would comprise a rectangular black box approximately 3 metres tall and 1 metre wide incorporating large digital screens on each side. It would appear very different to the street furniture nearby which includes streetlamps, telegraph poles, road signs/lights, telecommunication cabinets, phone kiosks, bus stops and advertisements.
10. In my view, the proposed hub would be a large, prominent modern feature with frequent bright images directly opposite and within the setting of the Town Hall and the columns and lights which are in my view, some of the most prominent traditional buildings on the High Street reflective of their historical role and use. The modern visually contrasting form of the proposals in such close proximity to these important heritage assets, would conflict with their architectural form and draw attention away from them. These effects would harm their architectural and historical significance. This conflict with three traditional buildings and designated heritage assets within the CA would also harm the character, appearance and significance of the CA as a whole.
11. However, 28-30 High Street does not have the same historical interest or prominence as the Town Hall or the columns and lights, and due to the ground floor commercial uses, I find the effect of the scheme on the setting and significance of 28-30 High Street would be neutral.
12. In reaching these conclusions I note JC Decaux bus stops a short distance to the east of the application site and other digital hubs nearby similar to those proposed. However, my assessment is based on the specific location of the appeal proposals before me. Furthermore, even though two kiosks would be removed as part of the proposals, those kiosks do not have the same visual effects and conflicts I have

identified associated with the digital hub before me and the sensitivity of the location proposed.

13. The harm to the CA, the Town Hall and columns and lights combined would be less than substantial and towards the lower end of any range. However, that harm is still of considerable importance and weight. In these circumstances, the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits of the schemes.
14. The proposals would provide ultrafast public wi-fi and improved 4G and 5G coverage, public service information, rapid device charging, a direct 999 call button and emergency police awareness messaging and environmental sensors. It could also be used for advertising by the Council and local businesses and would be powered by renewable energy and regularly cleaned and monitored. The proposed hub network is intended to replace the network of existing public phone boxes and would also secure the removal of two telephone kiosks. Thus, there would be clear social, environmental and economic benefits and the proposals would support high quality telecommunications infrastructure as recognised in the Framework. However, these public benefits are insufficient to outweigh the harm I have identified to the designated heritage assets and the character and appearance of the area.
15. Appeal proposal A would therefore be contrary to Policy SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan (2021) and Policies DM15 and DM16 of the Colchester Borough Local Plan Section 2 (2022) (LP2). These policies, taken together require among other things that development respects the site context and conserves or enhances the significance of heritage assets. It would also conflict with the conservation and design aims of the Framework.
16. For the same reasons outlined above, appeal proposal B would harm visual amenity. In this regard even though not determinative, appeal proposal B would therefore also conflict with the same development plan policies and the relevant provisions of the Framework.

Safety (Appeals A & B)

17. It is alleged both appeal proposals would impede the free flow of pedestrians by reducing the available space for pedestrians and in particular the mobility impaired.
18. However, the pavement is not particularly unusually narrow at the proposed location and the highway authority have not raised objections to the proposals. In my view, even during busy periods there would be sufficient space for people to pass each other, including those with impaired mobility without leaving the pavement, collide or even needing to wait.
19. Thus, without substantive evidence to the contrary, I find the proposals would not therefore harm the safety of those using the pavement or highway. Consequently, there would be no conflict with Policies DM20 or DM21 of LP2 which seek to safeguard existing routes for walking and ensure safe passage of all highway users. There would also be no conflict with the Framework's aim to achieve safe and accessible places.

Other Matters

20. In reaching these conclusions I have considered the numerous appeal decisions put before me by both main parties. Whilst these relate to telecommunications infrastructure similar to that proposed, they are all in different contexts to the appeal proposal before me. I have determined the appeals on their merits having regard to the bespoke site circumstances.

Conclusion

21. For the reasons given, having regard to all other matters raised, both appeals A and B should be dismissed.

L Fleming

INSPECTOR