



Appeal Decisions

Site visit made on 5 August 2025 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal A Ref: APP/T2215/W/25/3363385

Pavement o/s Prospect Place Retail Park, Westgate Road, Dartford DA1 1DY

- 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 Telecommunications plc against the decision of Dartford Borough Council.
 - The application Ref is DA/24/01375/FUL.
 - The development proposed is the installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s).
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Appeal B Ref: APP/T2215/H/25/3363386

Pavement o/s Prospect Place Retail Park, Westgate Road, Dartford DA1 1DY

- 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 Telecommunications plc against the decision of Dartford Borough Council.
 - The application Ref is DA/24/01376/ADV.
 - The advertisement proposed is described as 'the installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s).'
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Decision

1. Appeal A is allowed and planning permission is granted for the installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) at Pavement o/s Prospect Place Retail Park, Westgate Road, Dartford, DA1 1DY in accordance with the terms of the application, Ref DA/24/01375/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 approved plans: 001 revision A, 002 revision A and 003 revision A.
 - 3) The materials to be used in the construction of the hub shall be as specified in the materials section of the planning application form.
2. Appeal B is allowed and express consent is granted for the installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) at Pavement o/s Prospect Place Retail Park, Westgate Road, Dartford DA1 1DY. The consent is granted for five years from the date of this decision and is subject to five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:

- 1) The intensity of the illumination of the advertisements hereby permitted shall be no greater than 600 candela per square metre.
- 2) The advertisements hereby permitted shall display static images only and any images shall change no more regularly than every ten seconds.

Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

4. Despite sharing the same description of development, appeal A relates to the refusal of planning permission for the street hub installation and appeal B to advertisement consent for the integrated displays. Since there is some cross over, I have dealt with the main issues together. With regard to appeal B, I am aware of relevant development plan policies which I have taken into account as material considerations since the power to control advertisements may be exercised only in the interests of amenity and public safety. They have not been decisive.
5. An International Commission on Non-ionizing radiation protection (ICNIRP) certificate has been provided that confirms that the telecoms equipment would meet the precautionary guidelines. The Council have therefore confirmed that there would be no need to pursue this matter further. I have no reason to disagree.
6. It was unclear at my site visit which telephone boxes are proposed to be removed on Hythe Street as part of the scheme. It may be the case that the removal has already taken place. Nevertheless, the street hub is not in place, and I have therefore considered the scheme accordingly.

Main Issues

7. The main issues are interlinked. In regard to both appeals respectively, they are the effect of the scheme on a) the character and appearance of the area with specific regard to visual amenity; and b) pedestrian/cyclist movement and crime/public safety.

Reasons for the Recommendation

Character and Appearance/Amenity

8. The appeal site is a pavement situated alongside the Prospect Retail Centre that is close to the town centre however its layout is more akin to an out-of-town retail park. The closest units are vast. There is some street furniture close to the site including a tall directional sign, street lighting, metal bollards marking out seating areas for the nearby units and an information board.
9. The hub would be relatively small scale against the backdrop of the surrounding development and would not be a dominant feature. Although it would amount to additional street furniture, it would not appear incongruous due to the other furniture that is already in place on this part of Westgate Road. The area appears to be well lit and there are other illuminated advertisements nearby. Therefore, subject to a condition relating to illumination levels, the proposal would not have a dominating effect even when it is dark.

10. With regard to appeal A, the proposal would not cause harm to the character and appearance of the area and would meet the requirements of Policies D1, D2, M1, M2 & M17 of the Dartford Plan 2024 (LP) which are concerned with the public realm amongst other things. With regard to appeal B, the proposed advertisement would not give rise to amenity harm and would comply with the aims of the aforementioned policies as far as they are material thereto.

Pedestrian and Cyclist Movement and Crime/Public Safety

11. There is a sense of spaciousness around the appeal site due to the fairly wide path set alongside seating areas for the commercial units. I noticed that the road carried a stream of steady traffic but that there were fewer pedestrian movements which is likely due to the retail centre being further away from the retail core.
12. The hub would be relatively narrow on the pavement and given that the location is not overly busy with pedestrians with good lines of sight, it would be unlikely that it would cause a detrimental obstruction for pedestrian movements including those people who have disabilities. There would be adequate space for a wheelchair user and a walker to pass. It was evident that pedestrians also utilise the area behind the bollards although it is not clear whether this area forms part of the pavement. The hub would be positioned with adequate space surrounding and almost in line with the existing highway sign. The hub would likely only attract one user at a time given the functionality and size, as such operators would be unlikely to create a detrimental obstruction.
13. I have not been provided with any evidence to demonstrate how the hub would cause harm to cyclist permeability given that it would be positioned on the pavement and not close to any cycle lanes. I did not witness the appeal site being used for cyclists at the time of my site visit. Nevertheless, there would be adequate space available for a cyclist to pass.
14. The hub would be positioned in a well-lit space that does not appear overly busy. Given the nature of the use of the hub, the potential for a congregation around the unit is unlikely. Furthermore, the illuminated nature of the adverts would draw the eye and would therefore illuminate any users of the hub too. Nevertheless, an anti-social behaviour management plan is in place for the street hubs that addresses some of the Council's concerns and further provides specific advice for the Council if there were to be any future issues including anonymous calls.
15. With regard to appeal A, the development would not therefore cause harm to pedestrian and cycle movements or crime levels perceived or otherwise and would comply with Policies D1, D2, M1, M2, M16 & M17 of the LP which are concerned with safety amongst other things. With regard to appeal B, there would not be any harm to public safety as a result of the proposal and therefore it would comply with the same policies as far as they are material to the main issue.

Other Matters

16. The location for the development falls short of the recommended distance from the road stated by Kent Highway Services by three centimetres. I have not been provided with any evidence as to why this small amount would be harmful in and of itself and given that the hub would be in line with an existing directional sign, this small change would not be detrimental. The distance is also a recommended one and not an evidenced policy stated minimum. There may be other services within

Dartford that provide similar facilities to the hub, but I am only able to afford this limited weight when considering lack of harm as a result of the proposal.

17. There are no specific details within the Dartford Town Centre Framework Supplementary Planning Document as to how the appeal site would contribute to the aims and I am not convinced that the proposal would be detrimental to the objectives of the Council of improving the public realm. The document is more focused upon junction improvements at the top of Hythe Street that are close to the appeal site which the proposals would not affect.

Conditions

18. With regard to appeal A, and other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for certainty and enforcement purposes. The proposed materials are detailed within the application form but not on the submitted plans and therefore a condition is necessary to secure the details of the materials.
19. With regard to appeal B, the standard conditions shall be placed on the consent as per Schedule 2 of the 2007 Regulations. As the proposed advertisements are to be illuminated, it is necessary to apply a condition to limit the luminance level in the interests of amenity. The Council has recommended a condition to ensure that the proposed advertisements would have an illuminance level of 600 candela per square metre which has not been disputed by the appellant. I have no reason to disagree. The documents state that the advertisements shall be static and the Council has suggested that they should change no more than every ten seconds with no moving pictures. Again, this has not been disputed by the appellant. It is necessary to apply a condition to these effects in the interests of public safety to prevent the adverts becoming an unacceptable distraction to road users.
20. The Council has suggested an additional condition relating to a one second interval however this is not necessary given the condition to restrict the adverts to change every ten seconds. Furthermore, it is not necessary to specify that the adverts should not resemble highway signage as if this were the case, one of the standard conditions would likely bite for enforcement purposes as hindering interpretation of road signage.

Conclusion and Recommendation

21. For the reasons given above, I recommend that both appeals should be allowed subject to the conditions mentioned.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative's report and on that basis the appeals are allowed, subject to the stated conditions.

John Morrison

INSPECTOR