



Appeal Decisions

Site visit made on 14 August 2025

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

Appeal A Ref: APP/C3105/W/25/3366449

Pavement o/s 29-31 High Street, Banbury, OX16 5PN

- 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 Cherwell District Council.
 - The application Ref is 24/03076/F.
 - The development proposed is the installation of 1no. BT Street Hub unit.
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Appeal B Ref: APP/C3105/H/25/3366450

Pavement o/s 29-31 High Street, Banbury, OX16 5PN

- 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 Cherwell District Council.
 - The application Ref is 24/03077/ADV.
 - The advertisement proposed is two internally illuminated digital 75 inch LCD display screens, one on each side of the Street Hub unit.
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Decisions

Appeal A – Ref: APP/C3105/W/25/3366449

1. The appeal is allowed and planning permission is granted for the installation of 1no. BT Street Hub unit at Pavement o/s 29-31 High Street, Banbury, OX16 5PN in accordance with the terms of the application, Ref 24/03076/F, 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 drawing numbers: Site Location Maps Drawing No. 001 Revision A; Proposed Site Plan Drawing No. 002 Revision A; and Existing and Proposed Elevations Drawing No. 003 Revision A.

Appeal B – Ref: APP/C3105/H/25/3366450

2. The appeal is allowed, and express consent is granted for two internally illuminated digital 75 inch LCD display screens, one on each side of the Street Hub unit at pavement o/s 29 – 31 High Street, Banbury OX16 5PN in accordance with the terms of the application, Ref 24/03077/ADV.

3. 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 intensity of the illumination of the advertisements permitted by this consent shall be no greater than 300 cd/m² between dusk and dawn, consistent with guidance set out in the Institute of Lighting Professionals publication: "The Brightness of Illuminated Advertisements including digital displays" (PLG05/23).
 - 2) The minimum display time for each advertisement shall be 10 seconds. The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
 - 3) The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays, and the display will include a mechanism to freeze the image in the event of a malfunction.

Preliminary Matters

4. Appeal A relates to a refusal of planning permission and Appeal B relates to the refusal of advertisement consent. To avoid duplication, I have dealt with the two appeal schemes together, but each has been considered on its individual merits.
5. With regards to Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the 'Regulations') state that control may only be exercised in the interests of amenity and public safety. The development plan policies are not determinative to this appeal, but I have had regard to the policies as cited by the Council in so far as they are a material consideration relevant to the matters before me.
6. In the banner heading above, I have used the description of proposed development/advertisements as stated on the Council's decision notices as these provide a more accurate reflection of the proposals.

Main Issues

7. The main issues in respect of Appeal A are the effect of the proposal on the character and appearance of the area, including its effect on heritage assets and highway safety.
8. The main issues for Appeal B are the effect of the advertisement on amenity and public safety.

Reasons

Character and Appearance and Heritage Assets/Visual Amenity (Appeals A and B)

9. The appeal site is situated within the pavement on a main pedestrian thoroughfare, within Banbury town centre and in the Banbury Conservation Area (the CA). This section of the street is predominantly lined to its one side with buildings containing ground-floor retail and commercial uses. The streetscene contains various fascia signs and projecting signs related to the premises concerned, many of which include forms of illumination.

10. The nearby surrounding area also contains a range of market stalls, phone boxes and bus shelters that display advertisements, including some large digital displays, whilst other signage exists for directional/informative purposes. Additionally, a range of other street furniture including litter bins, benches, bollards, lighting columns and street trees are all found nearby to the appeal site. The above features and characteristics provide the area with a busy, vibrant, varied commercial character and appearance.
11. The CA is extensive, covering the town's historic core and wider environs. It comprises a wide-ranging townscape of buildings, many of which are of a high architectural quality and of historic importance. Buildings within the CA are from several periods, reflecting the expansion and historic development of the town. The character of the CA is therefore diverse, though the appeal site is located within the Medieval core of the town whereby the land uses are predominantly civic and commercial owing to this being the civic heart of the town.
12. Based upon the evidence before me and my observations the significance of the CA insofar as it relates to the appeal, largely stem from its medieval origins with much of its historic street pattern having been preserved, as well as its generally high-quality townscape.
13. Several listed buildings are located nearby to the appeal site, firstly, the Grade II listed Town Hall sits opposite. The Town Hall is a sizeable and impressive, gothic style building incorporating a central entrance tower, with clock and stone spire. It dates from the mid-19th century, and its significance and special interest derives from its stature, architectural design and detailing, along with its role. Its central and rather spacious setting, as a focal point within the historic centre of Banbury and largely terminating views along Bridge Street, also adds to its significance and results in it being a key landmark building within the town.
14. 26 Bridge Street (no.26) (Grade II listed) is a three-storey 19th Century building with Stucco frontage. Detailing on the building includes a central entrance with Ionic fluted columns to the door case, sash windows with moulded surrounds, cornices on consoles and glazing bars, as well as rusticated ground floor Ionic pilasters that flank the first and second floors.
15. Meanwhile, 27 Bridge Street (no.27) (Grade II listed) dates from the 18th Century, with later alterations. It displays a Stucco frontage containing sash windows with glazing bars and later rusticated arched bays at ground floor level under a steeply pitched slate roof. Insofar as is relevant to these cases, the significance of both no.26 and no.27 is founded upon their architectural interest.
16. The Façade to the former Baptist Chapel (Grade II listed) dates from c.1839. It displays a classical architectural pediment with six Ionic fluted columns formed of painted limestone. The Façade has now been incorporated into a supermarket with resultant unsympathetic changes, most notably the addition of sizeable, bulky, modern fascia signage. Again, though, insofar as is relevant to these proposals the significance of the listed building is derived from its traditional architectural interest.
17. The appeal scheme would also be located relatively nearby to a 19th Century red painted pillar box (Grade II listed) that sits to the front of the Town Hall. The significance of the pillar box is largely due to its age, rarity and contribution to the local character and streetscape.

18. The appeal proposals would involve the replacement of an existing relatively modern telephone kiosk that already displays sizeable, fixed advertisements. As such, the proposal would not add to street clutter. The proposed structure although taller and wider than the existing telephone box, would have a slim profile resulting in a reduced footprint and bulk. In the context of other tall elements within the streetscene, I do not consider the size of the proposal would appear untoward.
19. The street hub would have a modern design and the use of large digital displays would result in a more striking appearance than the existing structure to be replaced. Still, subject to relevant conditions that control the display of the digital screens, notably the use of static imagery and illumination, I am satisfied that the proposal would not stand out as an incongruous, over-dominant or unduly prominent feature within this existing commercial streetscene. This is due to the prevalence of and relationship with existing advertisements and street furniture in the area.
20. Views of the proposed development alongside each of the listed buildings would be available. However, the slim profile of the proposed development would mainly result in only oblique views being available in connection with nearby listed buildings. Additionally, the views would also be somewhat interrupted by other features such as existing mature vegetation, parked vehicles, and other street furniture and paraphernalia. Indeed, the setting of each of the above listed buildings is already largely defined by the busy commercial activity, including a range of modern signage and street furniture. Accordingly, I find the effect on their setting and significance would be neutral in this instance. Likewise, given my above findings, I find that the effect on the character, appearance and significance of the CA, as a whole, would also be neutral.
21. In terms of Appeal A, the proposal would therefore not cause harm to the character and appearance of the area, including designated heritage assets. Accordingly it complies with Policy ESD 15 of the Cherwell Local Plan 2011 – 2031 – Part 1 (adopted 2015) (the Local Plan Part 1) and saved Policy C28 of the Cherwell Local Plan (adopted 1996). Together these policies amongst other matters seek to promote development of a high-quality design, that complements its surroundings including historic assets.
22. In terms of Appeal B, and owing to the adverts being acceptable and an integral part of the hub installation, it would not cause harm to visual amenity and thus it would comply with the Regulations.

Highway Safety/ Public Safety (Appeals A and B)

23. The appeal proposal would be sited on the public (pedestrian) highway. At the time of my site visit several 'A-boards' or similar signage, in connection with nearby retail premises, were present on the pedestrian footway in the vicinity of the appeal site.
24. Similarly to the existing telephone kiosk that it would replace, the proposed Street Hub would be located tightly alongside existing raised planters/hard landscaping meaning that it could only be conveniently passed on its one side.
25. The width of the proposed Street Hub is greater than the telephone kiosk that it would replace but only slightly so. Meanwhile, the pavement alongside the appeal site, whilst not wide, would maintain sufficient space to enable pedestrians to view beyond and pass freely alongside the proposed structure. This would include

persons utilising wheelchairs, mobility scooters or pushchairs. As such, the proposal would not noticeably alter, obstruct or restrict pedestrian movements.

26. The appeal site is also set away from vehicular traffic, while the local highway authority has identified that it has no objections to the proposal on highway safety grounds.
27. In respect of Appeal A, I conclude that the proposed development would not result in harm to highway safety or hinder pedestrian movement. It therefore complies with Local Plan Part 1 Policy ESD15 in so far as it seeks to promote pedestrian movement. In respect of Appeal B, the proposal would not cause harm to public safety and therefore would comply with the Regulations.

Other Matters

28. From the policies put before me, only a design rationale is required as opposed to the appellant being required to justify a need for the proposed development or to demonstrate that this is the optimum location for the proposal.
29. Both main parties have cited various appeal decisions involving Street Hubs to support their respective cases. These decisions, however, relate to other towns/cities, whereby the precise contexts would have differed to that before me. As such, they have not influenced my findings, which are based on the individual circumstances and site specific context of the appeal schemes.
30. The appellant has indicated a willingness to remove further telephone kiosks at other locations within Banbury town centre, suggesting that this could be secured via the use of a planning condition. Notwithstanding that the other telephone kiosks are located outside the redline boundary for the appeal scheme, I have not found their removal to be necessary to allow for the approval of the appeals.

Conditions

31. For Appeal A, in addition to the standard time-limit for commencement of development, I have attached a condition specifying the approved plans/drawings for clarity and certainty.
32. For Appeal B, the consent is granted subject to the five standard conditions set out in Schedule 2 of the Regulations. I have also imposed conditions regulating the displays to safeguard visual amenity.

Conclusion

33. For the reasons outlined above, and having regard to all matters raised, the appeals are allowed subject to the conditions I have referred to.

Lewis Condé

INSPECTOR