



Appeal Decisions

Site visit made on 8 September 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th September 2025

Appeal A Ref: APP/J1915/W/25/3368387

Grid references Easting: 548824 and Northing: 221209, Footpath outside 10 South Street, Bishops Stortford, Hertfordshire CM23 3AT

- 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 East Hertfordshire District Council.
 - The application Ref is 3/25/0413/FUL.
 - The development proposed is described as '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/J1915/H/25/3368388

Grid references Easting: 548824 and Northing: 221209, Footpath outside 10 South Street, Bishops Stortford, Hertfordshire CM23 3AT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (Advertisement Regulations) against a refusal to grant express consent.
 - The appeal is made by Simon Warner of BT Group PLC against the decision of East Hertfordshire District Council.
 - The application Ref is 3/25/0414/ADV.
 - The advertisement proposed is described as 'installation of 1no. BT street hub unit and associated advertisement panels on either side of the unit'.
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Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. As set out above, there are two appeals on this site. They differ only in that Appeal A relates to the refusal of planning permission and Appeal B to express advertisement consent. Therefore, to avoid duplication I have dealt with the two schemes together, except where otherwise stated, determining each on its individual merits.
3. In respect of both appeals, the address given in the application forms provided only grid references. Therefore, for clarity and completeness I have also utilised a postal address taken from the Council's decision notice and the appeal form.
4. In respect of Appeal A, the development plan comprises the Bishops Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley Parish (1st Revision) 2021-2033 (Neighbourhood Plan) and the East Herts District Plan (District Plan) (2018).

5. In respect of Appeal B, the Advertisement Regulations and the National Planning Policy Framework (the Framework) both make 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 into account as a material consideration, they have not been determinative.
6. Mindful of the statutory duty in respect of preserving or enhancing the setting of listed buildings (in respect of Appeal A) and noting the Council's reference to the proximity of a Grade I listed building in their delegated report, I have sought clarity on the matter. The Council have confirmed that the proposal would not affect the setting of any listed building. Therefore, my statutory duty is confined to Section 72 of the Planning (Listed Buildings and Conservations) Act 1990 for both appeals. This requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Main Issues

7. The main issue in relation to Appeal A is whether the proposal would preserve or enhance the character or appearance of the Bishops Stortford Conservation Area (CA), and its effects on the significance of No's 10, 12 and 12a-16b South Street, Non-Designated Heritage Assets (NDHA).
8. The Council does not object to the proposed advertisement on public safety grounds, and I see no reason to disagree. Therefore, the main issue in respect of Appeal B is the effect of the proposal on the amenity of the area, including whether the proposal would preserve or enhance the character or appearance of the CA.

Reasons

Character and appearance and visual amenity

9. The appeal site forms a section of pedestrian footpath outside of 10 South Street in Bishops Stortford, a market town built around the River Stort. Located within the CA, its significance is derived from its evolution over time from its medieval past and strong industrial heritage, clustered around the active river transport system, as noted by the Bishops Stortford Conservation Area Appraisal and Management Plan. Along South Street and beyond, are a number of properties, some of which are historic but unlisted, of varying styles. The largely continuous arrangement of the buildings together with the wide pavements, contrast with the narrow block paved carriageway materials and positively contribute to the character and appearance of the area.
10. This part of the CA is at the heart of a retail area, with shops at ground floor which boast a variety of advertisements, including fascia and hanging signs. Typically, these are traditional and appropriate in design for the primary shopping frontage, which tend to be either unlit or benefit from an external source of illumination.
11. Despite the modern shop frontages that have been installed in some buildings, the area retains much of its historic fabric and plan form. In close proximity to the appeal site are NHDA's, identified as positive contributors to the character and appearance of the CA. No's 10 and 12 South Street have some attractive red brick, terracotta and stone detailing and those at No's 12a-16b South Street have attractive brick detailing, scrolled pediments and Dutch gables. Their significance

is through their architectural details, their placement within the street-scene, which is enhanced by the openness of their surroundings, and their close relationship with each other. Given this, I consider they have a medium to high level of significance.

12. Within the vicinity of the appeal site, there is a notable lack of street furniture which reinforces the sense of openness. There are clear views in either direction down the street from the appeal site. Low bollards are present, which assist in defining the pavement from the carriageway, but otherwise only a bench and modest sized traffic signs are present. By contrast, the placement of the proposed street hub would introduce an overtly modern and large structure into the street scene. Its dark, solid appearance and the presence of two sizeable illuminated screens at either side would form an incongruous structure in an otherwise open space, adding visual clutter to the street scene.
13. The static nature of the adverts proposed would do little to diminish the harm in this prominent location. Moreover, the internal illumination of these advertisements would have a harmful effect on the character and appearance of the CA. Whilst the appellant contends it would provide in-direct street lighting from the illumination, I find this reinforces its potential to be highly obtrusive, particularly during the evenings and at nighttime. Controlling the hours of illumination would not fully mitigate the harm. This would run counter to the guidance contained in the Retail Frontages Design and Signage Supplementary Planning Document (SPD) (2019) which is clear that this type of lighting is generally considered inappropriate, particularly for historic streets for being too obtrusive.
14. By introducing this overtly modern structure to the setting of the NDHA's, it would have the effect of diminishing their appreciation, and would harm the understanding of their significance by interrupting views between them and the views from which they can be seen together.
15. Limited details have been provided in respect of the appeals drawn to my attention by the appellant. Therefore, it is not possible for me to conclude that those schemes would be directly comparable with the appeal before me. Consequently, they do not alter my findings on this appeal.
16. The payphone kiosk to the north, is no longer in situ indicating the two are not codependent. Even if the removal of the kiosk had been secured as a direct replacement, this would not have constituted a like for like replacement in terms of its effect, given the distinctly different designs and the more prominent siting and illumination of the street hub.
17. Paragraph 215 of the Framework establishes that any harm should be weighed against the public benefits of the proposal, which is also required by Policy HA1 of the District Plan. I carry out this balancing below. However, advertisements, such as Appeal B, should be subject to control only in the interests of amenity and public safety. There is no indication in the Regulations, the Framework or Planning Practice Guidance that any other factors can be taken into account either for, or against, a proposal.
18. In accordance with Policy HA2 of the District Plan, regard should be had to the scale of any harm and the significance of the NDHA. Additionally, paragraph 216 of the Framework requires a balanced judgement. I consider both aspects, later in my decision.

Public benefits and heritage balance in relation to Appeal A

19. The street hub would be constantly monitored, with weekly inspections and bi-weekly cleaning services. I would regard this as maintenance rather than a public benefit.
20. The proposal would bring about a number of public benefits. The development would be run by carbon free energy which is to be applauded and is an environmental benefit, albeit a limited one given the extent of the scheme. While the proposal could provide 5% free screen time advertising for the Council, this is not secured such that I can give this social benefit only limited weight.
21. Other benefits include ultra-fast free publicly available Wi-Fi, improved cellular connectivity, displays that are capable of community and emergency awareness messaging, secure power-only USB ports for rapid device charging, environmental sensors to measure air quality, noise and traffic, improved 4G and 5G coverage to local communities, access to public services including an emergency 999 call button, multiple accessibility options and benefits to the local economy from the advertisements themselves. These all weigh moderately in favour of the scheme as public benefits.
22. In reaching my decision, I have had due regard to the Code of Best Practice on Mobile Network Development in England (2022) which supports the government's objective of delivery quality wireless infrastructure. I have also carefully considered the guidance in the Framework which expects decisions to help create the conditions in which businesses can invest, expand and adapt. I acknowledge that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. I am also mindful that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
23. Further, I note decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. This broadly aligns with Policy ED3 of the District Plan which is supportive in principle of communication infrastructure, subject to a number of criteria. However, the criteria requires that new equipment should be sympathetically and appropriately located, designed and camouflaged where possible, in order to respect the character and amenity of existing developments, which is not the case here.
24. Many of these benefits could be achieved by alternative means and through siting the proposal in a less sensitive area. Moreover, the harm I have identified attracts considerable importance and weight in accordance with paragraph 212 of the Framework, which establishes that great weight should be given to the conservation of a heritage asset. In this context, I find that the public benefits are not sufficient to outweigh the harm identified.

Balanced judgement NDHA

25. Having identified their significance, I have found the siting of the proposal within the settings of the NDHA's would diminish the way in which they are experienced, resulting in indirect harm of a moderate scale. In accordance with paragraph 216

of the Framework, a balanced judgement is required having regard to the scale of the harm and the significance of the heritage asset.

26. Overall, I find that the moderate level of harm would demonstrably outweigh the benefits of the proposal, having regard to the significance of the NDHA. Consequently, the proposal would conflict with Policy HA of the District Plan and runs counter to the Framework.

Conclusions on the Main Issues

27. In respect of Appeal A, the proposal conflicts with Neighbourhood Plan Policy HPD2 and District Plan policies DES4, ED3, HA1, HA2 and HA4, which amongst other things expect high quality design and appropriate regard to be given to heritage assets. The Council have cited conflict with Policy HA6 of the District Plan. While noting this establishes principles in respect of design and the means of illumination for advertisement, I have not found it directly relevant as its text relates to advertisements on buildings.
28. Insofar as is relevant in respect of amenity, Appeal B also conflicts with these policy objectives which are a material consideration. I am mindful that paragraph 141 of the Framework also acknowledges that the quality and character of places can suffer when advertisements are poorly sited and designed. Moreover, I have found that the proposal would have a harmful effect of the character and appearance of the area, including the CA and it follows that it would also have a harmful effect on the amenity of the area.

Conclusion

29. For the reasons set out, the proposal would harm the character and appearance of the area, including the surrounding street scene and public realm. With cognisance of my statutory duty in s72(1) of the Act, the proposal would fail to preserve or enhance the character and appearance of the CA.
30. Appeal A is in conflict with the development plan when considered as a whole, and there are no material considerations that would justify a decision contrary to the plan. Appeal B would be detrimental to amenity.
31. Therefore, having regard to all matters raised, both appeals are dismissed.

C Walker

INSPECTOR