



Appeal Decisions

Site visit made on 4 September 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 SEPTEMBER 2025

Appeal A Ref: APP/A3655/W/25/3363945

Footpath Outside 3 Goldsworth Road, Woking GU21 6JY

- 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 Mr Simon Warner of BT Group PLC against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0859.
 - The development proposed is 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/A3655/H/25/3363947

Footpath Outside 3 Goldsworth Road, Woking GU21 6JY

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Simon Warner of BT Group PLC against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0881.
 - The development proposed is two digital 75 inch LCD display screens, one on each side of the Street Hub Unit.
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Decision

1. Appeal A is allowed and planning permission is granted for installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit at Footpath Outside 3 Goldsworth Road, Woking GU21 6JY in accordance with the terms of the application, Ref PLAN/2024/0859, and subject to the conditions set out below in the Appeal A Schedule of Conditions.
2. Appeal B is allowed and express consent is granted for installation of two digital 75 inch LCD display screens, one on each side of the Street Hub Unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out below in the Appeal B Schedule of Conditions.

Preliminary Matter

3. The site address and descriptions of development used in the banner headings above are taken from the application forms.

Main Issues

4. Regulation 3(1) of the Regulations¹ and the National Planning Policy Framework (the Framework) make clear that the assessment of proposals for express consent

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

is confined to issues of amenity and public safety. Accordingly, and having regard to the Council's reasons for refusal, the main issue for both Appeal A and Appeal B is the effect of the proposals on visual amenity, with particular regard to the effects on the character and appearance of the area.

Reasons

5. The proposed development would be outside a parade of commercial uses which wrap around the junction of Goldsworth Road and Victoria Way. This is a widened area of footpath close to a series of traffic lights and pedestrian crossings associated with the junction. I observed it to an area of reasonably high foot-fall with pedestrians passing between Goldsworth Road and the main town centre. The area can be described as having a vibrant commercial character.
6. The Council accept this part of the footpath is generous in its size and comprises an array of existing street furniture. Items on the footpath in the immediate vicinity include bins, cycle stands, a post box, electricity box and parking pay station. Additional moveable signage associated with the nearest commercial uses had also been placed on the footpath at the time of my visit. These items inevitably vary in their scale and appearance and are reasonably expected in an area of this character and close to the town centre.
7. The proposed Street Hub Unit would be positioned centrally on the footpath, slightly further north and east of the other permanent items referred to above. However, given its proximity to them it would not appear disjointed from those other items or the character of the junction. The height of the structure would be greater than others around it, and it would be more visually prominent as a result of its design and screens, however, I understand this to be inherent to its intended purpose. Overall, it would not be at odds with the character of the area, but would reinforce it as an item reasonably expected of a commercial area. There is not evidence before me to demonstrate that the site is within any Conservation Area or the setting of any other designated heritage asset.
8. In conclusion on this main issue the proposal would be acceptable in terms of its effects on visual amenity and on the character and appearance of the area. I have taken into account policies CS21 and CS24 of the Woking Core Strategy 2012, as well as policy DM17 of the Development Management Policies 2016 which together seek to create high quality townscapes. Given I have concluded that the proposal would not harm amenity, the proposals would not conflict with these policies. Neither would the proposal conflict with the Framework where it requires development to add to the overall quality of the area and be sympathetic to the local character.

Other Matters

9. Given the width of the footpath and location of the proposed Unit, it would not adversely affect or provide an obstruction to pedestrian movements, including to those pedestrians with push chairs or mobility aids who would be capable of traversing around the structure. The Council's Officer Report discusses the matter of highway safety, informed by a relevant consultation response from the Highway Authority and I have no reason to reach a different view on those matters. The submissions are accompanied by an Anti-Social Behaviour Management Plan which sets out measures integral to the Unit to address anti-social behaviour and details of its monitoring and inspection.

10. The proposal was accompanied by an ICNIRP Certificate, and the Framework is clear that planning authorities must not set health safeguards different from the International Commission guidelines for public exposure. I have no strong reason to doubt the contents of that certificate or seek further assurances. The appellant has suggested conditions which would restrict the movement and illumination of the advertisement to avoid adverse effects which could arise from flickering or fast changing imagery and I return to those below. Other generalised concerns have been raised, including screen addiction and long term effects of screen exposure. However, there is not substantive evidence to link those concerns to this specific proposal, which would be viewed briefly by those passing it. For these reasons, and in the absence of substantive evidence to the contrary, the proposal would be acceptable in terms of public safety.
11. Adopting a precautionary approach, however, I acknowledge the proposal could present some adverse effects for those with disabilities, including those affected by lighting or visual impairments. The proposal could therefore affect their desire and/or ability to use this public space and this is an important consideration in determining the appeals. Accordingly, I have had regard to the Public Sector Equality Duty contained in section 149 of the Equalities Act 2012, which requires me to consider the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include disability.
12. The proposals would facilitate public benefits including public wifi and 5G cells, free calls, USB charging and access to emergency services. Those services similarly have the ability to provide a benefit to others with protected characteristics, which is also of importance. The Framework is clear that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning decisions should support the expansion of electronic communications networks, which would be the case for the proposed development. On balance, given the findings in my assessment above together with the safeguards which could be secured by conditions, I am satisfied that the benefits of the proposal outweigh the potential harm identified. Allowing the appeals would therefore be a proportionate response.
13. The Council refer to an extant planning permission for redevelopment known as 'Ecoworld' which would entail 929 residential units as well as extensive public realm improvements along Victoria Way and Goldsworth Road, encompassing the appeal site². There is not information before me relating to the timescales for the commencement of those works and I see no strong reason why the proposal would prohibit their implementation or prejudice the delivery of high quality public realm. I have not, therefore, found this would constitute a reason to dismiss the appeals.
14. There is not substantive evidence regarding other issues raised by third parties which would lead me to reach a different view to the Council, for example in respect of impacts on wildlife, effects on privacy or sustainability performance. The treatment of any data obtained by the proposal would be a matter for the operator and it is not apparent that this should amount to a reason to refuse the appeals.

² Council reference PLAN/2020/0568- approved 10 January 2022

15. While I appreciate concerns relating to content of the advertisements, Planning Practice Guidance (PPG) advises that unless the nature of the advertisement is itself harmful to amenity or public safety, consent cannot be refused because it is considered the advertisement would be misleading, unnecessary or offensive. Taken together, these matters do not amount to considerations capable of refusing the advertisement consent, or in the case of the planning permission, considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan.

Conditions

16. Both the appellant and the Council have suggested conditions that would be appropriate in the event that the appeals were allowed and I have considered these in light of the Regulations and relevant tests set out in the PPG.
17. In respect of Appeal A, I have imposed the standard conditions relating to the commencement of development and approved plans to provide certainty.
18. With regard to Appeal B, under Regulation 14(a) all advertisements granted express consent are subject to five standard conditions as set out in Schedule 2 of the Regulations. Additionally, in the interests of both visual amenity and public safety, additional conditions are imposed relating to the display and transition of images, as put forward by the appellant. There are notable differences in the level of illumination which the main parties consider is appropriate at night, however I have adopted the figure from the Council since this is substantiated by reference to the relevant environmental zone and as the appellant has had the opportunity to comment on it.
19. Since there is no telephone box on the site its removal is not conditioned. Given the position of the works on the highway, and in light of other controls beyond planning, I do not find it necessary or reasonable to condition the installation and ongoing maintenance. There is not substantive evidence that additional controls are necessary here.

Conclusion

20. With regard to Appeal A, the proposal accords with the development plan taken as a whole and there are no material considerations to demonstrate a decision should be made other than in accordance with it. In the case of Appeal B, the proposal is acceptable in terms of its effects on amenity and public safety. For the reasons given and having regard to all matters raised, both appeals are allowed.

C Shearing

INSPECTOR

Appeal A Schedule of 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: 'Street Hub Wok-105 Existing Site Plan' Rev.B, 'Street Hub Wok-105 Existing Site Elevation' Rev.B, 'Street Hub Proposed Site Elevation' Rev.B, 'Street Hub Wok-105 Proposed Site Plan' Rev.B.

Appeal B Schedule of Conditions

1. In hours of darkness (between sunset and sunrise) the advertisement display shall be no greater than 300cd/m² in accordance with the recommended maximum night-time luminance value set out for Environmental Zone E3 in the Institution of Lighting Professionals- Professional Lighting Guide 05 'Brightness of Illuminated Advertisements including Digital Displays (or its equivalent in a replacement guide).
2. The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
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 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.
4. 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 Schedules