



Appeal Decisions

Site visit made on 6 October 2025

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

Appeal A Ref: APP/Y3615/W/25/3366575

PAVEMENT OUTSIDE 18 TUNSGATE , GUILDFORD, GU1 3QS

- 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 IN FOCUS PUBLIC NETWORKS LIMITED against the decision of Guildford Borough Council.
 - The application Ref is 25/P/00226 .
 - The development proposed is Installation of one internally illuminated static panelled cabinet with 86' digital LCD screens with defibrillator.
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Appeal B Ref: APP/Y3615/H/25/3366577

PAVEMENT OUTSIDE, 18 TUNSGATE, GUILDFORD, GU1 3QS

- 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 IN FOCUS PUBLIC NETWORKS LIMITED against the decision of Guildford Borough Council.
 - The application Ref is 25/P/00227.
 - The advertisement proposed is the display of a single illuminated six sheet advertisement on the rear of a communication hub.
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Decisions

Appeal A Ref: APP/Y3615/W/25/3366575

1. The appeal is allowed and planning permission is granted for the installation of one internally illuminated static panelled cabinet with 86' digital LCD screens with defibrillator, on the pavement outside 18 Tunsgate, Guildford, GU1 3QS in accordance with the terms of the application, Ref 25/P/00226, and the plans submitted with it, subject to the conditions in the attached Schedule.

Appeal B Ref: APP/Y3615/H/25/3366577

2. The appeal is allowed and express consent is granted for the display of a single illuminated six sheet advertisement on the rear of a communications hub on the pavement outside 18 Tunsgate, Guildford, GU1 3QS, in accordance with the terms of the application, Ref 25/P/00227, dated 20 February 2025. 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 additional conditions set out in the attached Schedule.

Main Issue

3. The main issue is the effect of the cabinet/hub on the character and amenity of the local street scene.

Reasons

Background

4. The applications involve planning permission and advertisement consent for the same communication cabinet/hub. This would measure about 2.6m tall and about 1.4m wide. It would have a phone connection and defibrillator on one side housed under a short canopy, and a digital display for advertisements on the other. The site lies in the Town Centre Conservation Area and the Tunsgate Archway together with No's 124 and 126 High Street are listed grade II together with a pair of K6 Telephone Kiosks which are also listed.
5. The significance of the Conservation Area is set out in detail in the officer report and the character appraisal for the High Street Area. I have had regard to this in considering the proposal and also to the setting of the listed buildings described above. I have paid special attention to the desirability of preserving or enhancing the character or appearance of this area and to the setting of the other designated heritage assets.
6. I agree with the officer assessment in the submitted report that there would be a significant separation distance between the proposed cabinet/hub and the assets and the structure would not detract from their legibility in the street scene. Viewed from the south along Tunsgate this elevation of the hub would contain the information display and defibrillator rather than the advertisement screen and the apparatus would not affect the setting of the Tunsgate Arch or the phone boxes.

Effect on general character and amenity

7. In terms of the effect on the general character and amenity of the area, the hub is proposed to be sited close to a modern retail building with a large area of window glass in the frontage display. The unit would be well positioned to the side of the street and would not have an effect on the movement of pedestrians on this paved thoroughfare. The hub would be well isolated from other street furniture and would not result in or add to an undesirable clutter of these items in the street.
8. In terms of the advertising panel on the north facing elevation this would be seen in the context of the existing large shop window displays and would not be an incongruous feature in the street scene as the Council alleges. There is no conflict with Local Plan policies D1 and D4 which seek to ensure a high-quality design in new development which should respond to local distinctiveness or Policy D10 requiring advertisement not to harm amenity or public safety. The proposal meets these policy requirements.

Other Matters

9. A number of people submitted objections to the proposal on the appeal and at application stage. Some have been considered in the main issue above but others include the effects of the hub on public health and well-being, wildlife, local businesses and say that the hub would encourage crime and anti-social behaviour.

10. However, the applications have to be considered in the context that the Highway Authority and the Police raise no objection to the proposal subject to conditions. In respect to concerns about exposure to radiation, the proposal is now subject to a certificate from the appellant that the design of the equipment will conform to the ICNIRP guideline. Related government advice set out in paragraph 123 of the National Planning Policy Framework (the Framework) makes clear that applications involving telecommunications must be determined on planning grounds only. Nor should health safeguards different from the International Commission guidelines for public exposure be set. The application could therefore not be refused on the health grounds suggested.
11. On the other objections put forward there is insufficient substantiated evidence provided to raise these factors to have the same weight as a main issue. They are therefore not determinative in the assessment of the appeal case.

Planning balance

12. On the main issue I have found that the proposed cabinet/hub would not be an incongruous feature in the local street scene and would not harm the character or amenity of the area. Its siting, design and scale is sympathetic to the character and amenity of the area. Separately, neither would the siting and form of the hub harm the setting of the listed buildings in the vicinity of the site or harm the character or the appearance of the Conservation Area. The proposal would accord with the relevant provisions of the Council's Local Plans.
13. I have also taken account of the other considerations which arise. The cabinet/hub would provide some public benefit with access to a defibrillator although I noticed other defibrillators already exist in the town centre. There would also be some benefit from the availability of wi-fi, together with the ability to make phone calls to emergency numbers and the like. However, some people see these factors as harming the public and individuals rather than benefitting them.
14. Overall, I find that the proposal accords with the development plan and national guidance when both are taken as a whole and the other factors which arise do not outweigh this. The appeals should therefore be allowed.

Conditions

15. The Council recommends that 6 conditions be imposed although these relate to both appeals. Condition No, 1 is necessary for both cases as it relates to the plans that are approved and I shall impose these in the interests of clarity and the development/advert should be implemented in accordance with them. Conditions 2 and 3 relate to the advert, and therefore appeal B, and are necessary to limit the prominence of the illumination and protect the amenity in this town centre location. Conditions 4, 5 and 6 relate to the public phone facility in the hub in Appeal A and are necessary in the interests of public safety and I will impose them.

Conclusion

16. For the reasons set out above I conclude that both appeals should be allowed.

David Murray

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/Y3615/W/25/3366575

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Received 20/02/2025 – A/489467/05/ Rev B; Application Site Plan and Hub Unit Elevations; Received 04/04/2025 – Proposed Street View.
2. The development shall not commence until a management plan has been submitted to and agreed in writing by the local planning authority. This will include: (a) a clear escalation process on how problems will be dealt with; (b) reasonable timelines within which issues are to be addressed (c) the algorithm and parameters in place to block and manage free calls where a certain call or attempted call threshold has been reached. The agreed management plan is to be followed and not altered without prior approval of the Local Planning Authority.
3. The development shall not have facility for free calls to mobile phones.
4. All USB ports shall be remotely adjustable to prevent long term users of the device (as defined in the Management Plan referred to in condition 2 above.).

Appeal B Ref: APP/Y3615/H/25/3366577

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Received 20/02/2025 – A/489467/05/ Rev B; Application Site Plan and Hub Unit Elevations; Received 04/04/2025 – Proposed Street View.
2. The advertisement display shall only be illuminated to a level of 300 cd/m² at night.
3. In daylight hours, the advertisement display shall only be illuminated no greater than the recommended maximum daytime luminance levels set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' in cd/m².