
Appeal Decisions

Site visit made on 27 October 2025

by Frances Mahoney MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 6th November 2025

Appeal A Ref: APP/P1560/W/25/3368389

Footpath Outside Aldi, Pier Avenue, Clacton On Sea, CO15 1NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Simon Warner - BT Group PLC against the decision of Tendring District Council.
 - The application Ref 25/00566/FUL.
 - The development proposed is the installation of one BT Street Hub Unit and associated advertisement panels on either side of the unit.
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Appeal B Ref: APP/P1560/H/25/3368390

Footpath Outside Aldi, Pier Avenue, Clacton on Sea

- 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 Simon Warner - BT Group PLC against the decision of Tendring District Council.
 - The application Ref 25/00554/ADV.
 - The development proposed is the installation of one BT Street Hub Unit and associated advertisement panels on either side of the unit.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary matters

3. In the case of both appeals the plans referred to have a drawing preface UK-470601-A. For the avoidance of doubt, I have determined both appeals on the basis of these drawings and not those prefaced UK-470601-B which were referred to in a list of documents at both the application and appeal stages¹.

¹ The parties confirmed that the drawings prefaced UK-470601-A were those considered and subsequently informed the determination of the applications now the subject of these appeals.

4. Appeal A concerns the refusal of planning permission to install a single BT Street Hub Unit (Hub Unit). Appeal B deals with the refusal of express consent to display advertisements on either side of the BT Street Hub Unit. I have considered each on its individual merits. However, as they raise similar issues, I have combined both decisions into a single decision letter.

Main issues

5. In respect of both appeals the main issues centre on the following:
- The effect of the proposed development on the character and appearance of the area: and
 - The effect on both pedestrian and highway safety.
6. In relation to Appeal B, the 2007 Regulations², the National Planning Policy Framework (The Framework) and the Planning Practice Guidance make clear that advertisements should be subject to control only in the interests of amenity and public safety³. The concern in respect of amenity includes impact on the visual quality of the locality and public safety includes the safety of pedestrians using the pavements and other pedestrian circulation spaces, as well as the safety of those using the immediate highway network.

Reasons for the decisions

Character and appearance

7. The appeal site is located close to the junction of Old Road and Pier Avenue. It is a busy junction with generally wide footpaths either side where the roads converge. The general character of the immediate locality is of an open street scene framed on opposing sides of the wider junction by Aldi and Lidl stores. These large supermarkets with associated car parks add to the open character and appearance of the immediate vicinity. The Century Cinema closes off this open space between the two roads. The parades of small shop units both to the north and south-west of the appeal site add to the commercial appearance of the vicinity, although there is still an awareness of the homes to the north and south of the appeal site which accentuates the wider mixed-use character.
8. The street furniture around the road junction includes low bollards, streetlights, telegraph poles, telecom cabinets, litter bins, bus stop with a shelter and road signage. None of these could be considered to be unexpected or prominent features in the street scene.
9. Both Aldi and Lidl have large identifying, locational signs set back within their car parks, clearly visible across the road junction. Whilst their purpose is to catch the eye they are set within the sites of the respective stores, away from the public highway which does not interfere with the open character and appearance of the wider junction.
10. I also saw a number of other signs associated with shops within the nearby parades, some of which it is reasonable to suppose were illuminated. However, these, in the main, were on or very close to the commercial premises which they referred to.

² Regulation 3(1).

³ Paragraph 141 of the Framework.

11. The Aldi site layout has been designed to follow the curve of the bend of the road. This sets the store back from the roadway resulting in a wide public footpath area, some of which had been planted up and with seating. The entrance and exit doors to the store are at right angles to the road, with pedestrian access from the footpath via a short flight of steps with metal handrails. In front of the doors to the store is an open area accommodating a large round brick plinth which, at some point, supported a central metal structure which, I presume, was the artwork referred to by the Council. I observed at my site visit that this area was well used by shoppers, generally on exiting the store, to sort their purchases or just pause and take a rest. The change in levels from the pavement up to the store and the definition and enclosure of this round seating area by metal balustrading, serves to contain the commercial use on this bend preserving the open character of the footpath and junction.
12. The Hub Unit is proposed to be sited close to the bottom of the flight of steps leading to and from the doors of Aldi. It would be sited within the public footpath at the bend in the road, at a point where, other than the street sign for Pier Avenue which stands hard up against the retaining brick wall of the round seating area, there is no other street furniture close by in the footpath.
13. The proposed Hub Unit is relatively streamline being only 350mm in width. However, the height of 2980mm and depth of 1236mm would present a structure of considerable size and massing projecting out into the open footpath. Whilst the footpath is comparatively wide at this point, as already described, with no other similar projecting free standing signage, the not insubstantial proposed structure that would be taller than eye level, in an area that is currently largely free of clutter at that height, would present an unacceptably, visually dominant feature diminishing the open character of the street scene. This would be accentuated by the illuminated nature of the sign on both faces as well as an apparent lack of association with any nearby commercial premises.
14. In this way the appeal proposal would not respond positively to local character and context, nor would it preserve or enhance the quality of the local environment, nor help to create a sense of place, resulting in unacceptable levels of harm to character and appearance. In this way the terms of Tendring District Local Plan Policies SP 7 and SPL 3 would be compromised.

Highway safety

15. As already described the appeal site lies close to the junction of Old Road and Pier Avenue on the curve of the road bend. The proposed signage would be in close vicinity to the right-hand turn filter lane onto Old Road from the south bound lane of Pier Avenue. It would also be close to the bottom of the flight of steps leading up to Aldi and the entrance and exit to the Aldi car park would be just to the south of the proposed Hub Unit.
16. The Highway Authority (HA) concerns centre on the protection of the principal use of the highway as a right of free and safe passage of all highway users focusing on whether the proposed Hub Unit would create a hazard in respect of impact on visibility from the existing vehicular access to the Aldi store for road users as well as the safety of pedestrians.

17. I note the assessment of the HA was based on a desktop study of submitted material and google maps. I have made my assessment based on the submitted evidence and my observations made at the site visit.
18. At the height and location proposed, the Hub Unit would present a substantial solid screen close to the bottom of the steps from the Aldi store. I have concerns that pedestrians using the footpath would need to deviate around the Hub Unit without necessarily appreciating the movements of screened pedestrians coming in the opposite direction⁴. The right to free and safe passage could be compromised in these circumstances.
19. This is a busy junction but with vehicles slowing to turn right onto Old Road and to enter the Aldi car park, I observed vehicle speeds to be appropriate in such a built-up area. For those vehicles entering or leaving the Aldi car park the Hub Unit being set back off the curve of the bend and with the width of footpath remaining between it and the road, visibility in respect of on-coming vehicles approaching from the north for drivers exiting the car park, in my view would be little affected.
20. However, the Hub Unit being a solid screen as described, along with vehicles entering the Aldi car park could, in combination, diminish the level of visibility for drivers trying to exit the car park, particularly when trying to turn right, of pedestrians preceding along the Pier Avenue footpath in a southerly direction.
21. Tendring Local Plan Policy CP2 sets out that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety. I have already concluded that the Hub Unit would not unacceptably impede visibility for drivers entering or emerging from the Aldi car park in respect of other vehicle movements. However, I have identified some potential harm for pedestrians using the footpath in the vicinity of the Hub Unit in respect of inter-visibility between other pedestrians and drivers using the Aldi car park access. I am conscious that any identified harm must be weighed into a balance in respect of decision-making acknowledging the public benefits of the proposal.

Balance of the decision and conclusion

22. The proposed Hub Unit forms part of a wider Street Hub project across the Council area. Its purpose is to provide free ultra-fast Wi-Fi to the local community, enhancing digital connectivity and services such as free mobile device charging, access to an emergency call button, charity helplines and local wayfinding via an integrated tablet. The appellant would also include community/public information advertisements. Its aim is to encourage people back to our high streets in a sustainable way and support local people and businesses and visitors alike⁵.
23. The Framework at paragraph 119 recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. This aim is mirrored within the Tendring Local Plan section 8.3. This national and local goal should be ascribed considerable weight in the balance of the decision.
24. However, the Framework is clear at paragraph 123 that applications must be determined on planning grounds only. Identified harms must be weighed against the public benefits of the proposal.

⁴ This could include those using mobility scooters as well those pushing buggies.

⁵ These are the identified public benefits.

25. Harms have been identified above in respect of the safety of pedestrians using the footpath along Pier Avenue. However, that harm when weighed in isolation against the public benefits of the appeal proposal I find not to outweigh the identified value of the Hub Unit in both national and local terms⁶.
26. That notwithstanding, the harms identified to the character and appearance of the immediate locality in respect of the prominent location, substantial height and massing of the Hub Unit and the consequential erosion of the open character and appearance of this part of Pier Avenue and Old Road, is sufficient on this ground alone, to outweigh the public benefits of the appeal proposal, in respect of both the planning appeal and the appeal for Advertisement Regulation Consent.
27. For this reason, although the Framework sets out that the Government is committed to the expansion of the electronic communications network, supported by Council Policies, that has to be balanced against other material considerations. All in all, the benefits in this case do not outweigh the harm that I have identified, compromising the terms of Tendring Local Plan Policies SP 7 and SPL 3. I therefore conclude that the appeals should not succeed.
28. The appellant has drawn my attention to several other appeal decisions, mainly in the London area which have been allowed. From the limited extracts from those decisions, it is difficult to equate whether the circumstances, particularly the character and appearance of each promoted appeal site, would mirror those of this site in Clacton-on-Sea. I have noted a couple of sites seem to be solely commercial in nature rather than the more mixed development of Old Road and Pier Avenue. As a result, whilst noting the terms of the appeal extracts, I have applied my judgement to the circumstances of this proposal as I saw at my site visit and from the submitted evidence specific to the case.

Frances Mahoney

INSPECTOR

⁶ The appeals on this ground alone would not fail.