



Appeal Decisions

Site visit made on 31 October 2025

by **S Ashworth BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal A Ref: APP/C2741/W/25/3366578

Pavement Opposite 21 Davygate, St Sampsons Square, York , YO1 8QT

- 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 Infocus Public Networks Limited against the decision of City of York Council.
 - The application Ref is 25/00371/FUL.
 - The development proposed is installation of a multifunctional communication Hub including defibrillator and advertisement display.
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Appeal B Ref: APP/C2741/H/25/3366581

Pavement Opposite 21 Davygate, St Sampsons Square, York , YO1 8QT

- 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 Infocus Public Networks Limited against the decision of City of York Council.
 - The application Ref is 25/00372/ADV.
 - The advertisement proposed is installation of a multifunctional communication Hub including defibrillator and advertisement display.
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Decisions

1. Appeal A. The appeal is dismissed.
2. Appeal B. The Appeal is dismissed.

Preliminary Matters

3. As set out in the banner heading above there are two appeals relating to this site, one against the refusal of planning permission and one against the refusal of advertisement consent. I have dealt with each proposal on its own merits. However, as they raise similar issues, I have dealt with them in a single decision letter to avoid duplication.
4. The appeal site lies within the Central Historic Core Conservation Area and is within the setting of several listed buildings. Accordingly, I have had regard to the duties set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that, with regard to buildings or land in a conservation area special regard is paid to the desirability of preserving or enhancing the character or appearance of the conservation area, and in respect of Appeal A s.66 (1) of the Act which requires that, in considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be paid to the desirability of preserving the building, its setting or any features of special interest it possesses.

5. In respect of appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the National Planning Policy Framework (the Framework), make it clear that advertisements are subject to control only in the interests of amenity and public safety. Factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interest.

Main Issues

6. The main issues in Appeal A are (i) whether the proposal would preserve or enhance the character or appearance of the Central Historic Core Conservation Area and, linked to that, the effect of the proposal on the setting of listed buildings, 2, 3, 5 and 6 St Sampsons Square which are all grade II listed buildings and 7 St Sampsons Square, a grade II* listed building, and (ii) the effect of the proposal on pedestrian movement and safety.
7. The main issues in Appeal B are the effects of the proposal on (i) the amenity of the area and (ii) public safety.

Reasons

8. The Central Historic Core Conservation Area is characterised largely by the historic street patterns and the diversity, scale and quality of its architecture including many important listed buildings of special architectural and or historic interest. Located within the 'Central Shopping Area' character area, St Sampsons Square is an area of formal open space once used as the city's main marketplace. The Conservation Area Appraisal notes that it is well maintained and attractive, with some ornamental planting and benches. The paved space, which is generally open and uncluttered, contrasts with the tight knit street pattern elsewhere in the city and allows the buildings which surround it, a high proportion of which are listed buildings, to be seen and appreciated. The square makes a significant positive contribution to the character and appearance of the conservation area and the wider historic environment.
9. The hub would be sited close to the south-west corner of the square immediately opposite grade II listed buildings Nos 2 and 3 St Sampsons Square, and close to Nos 5, 6 and 7. It would have a solid form with a projecting canopy and touch screen on one side and a flat LCD advertisement display screen on the other. The unit would be coloured black or grey with digital screens on both sides. A light sensor would control the level of illumination.
10. The proposed freestanding structure would be significantly taller and bulkier than existing street furniture, making it a prominent feature on Davygate and within St Sampsons Square due to its position, height, mass, and illumination. In an area that is otherwise relatively uncluttered, it would introduce both visual intrusion and physical clutter. The digital advertising screen, measuring over 2 metres in height, together with its illuminated, sequentially changing images, would further intensify its visual impact. Although I acknowledge that the brightness would be limited to a specified level, in this sensitive setting, where advertising is generally restrained, the unit would appear strident and intrusive. For these reasons, the structure would harm the character and appearance of the street and would fail to preserve or enhance the character or appearance of the conservation area.

11. The significance of the listed buildings lies largely in their age, historic interest and architectural detailing. The uncluttered, largely traffic free square allows the buildings to be appreciated. In that sensitive context the proposal would be a discordant and distracting element in the setting of the listed buildings, and as such it would affect the way in which the buildings are experienced.
12. Accordingly, I conclude that the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the conservation area, nor preserve the setting of the listed buildings. On that basis the proposal would fail to meet the weighty statutory requirements of the Act.
13. For the same reasons, and although are not determinative in relation to Appeal B, the proposal would be contrary to Policy D4 of the City of York Local Plan 2025 (Local Plan) which requires development within a conservation area to preserve or enhance those elements which contribute to its character and appearance and would enhance or better reveal its significance; Policy D1 of the Local Plan which requires development to improve the quality of the public realm and wider environment for all and Policy D13 of the Local Plan which requires advertisements to be of a scale, design, materials and position, amongst other things, that do not cause harm to visual amenity and will respect the character and appearance of a building or street scene.
14. The approach in the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm shall be weighed against the public benefits of the proposal. Even though this harm would fall at the lower end of the scale of less than substantial harm, any harm to a designated heritage asset is a matter of considerable importance and weight.
15. The proposal seeks to provide the latest digital communication technology as a free public service, including a telephone facility, mobile phone charging points, and access to local webpages and wayfinding information. The hub could also enhance public safety and crime prevention through community messaging and counter-terrorism campaigns. In addition, it would incorporate a defibrillator, and I note the Community Heartbeat Trust Charity's general support for such units. However, even taking into account the Framework's support for high-quality communications, these public benefits would be modest. Consequently, they do not outweigh the harm that would be caused to the identified heritage assets, harm which, as the Framework makes clear, must be given great weight.

Pedestrian movement and public safety

16. St Sampsons Square is essentially a pedestrianised space and Davygate and Parliament Street have restricted vehicle use. Nevertheless, the area is very busy with pedestrians and particularly so at times when the square is used for events.
17. The hub would be located on the square itself rather than on a particularly narrow section of pavement. As such, it would not obstruct or significantly impede pedestrian movement, nor would it pose a particular risk to pedestrian safety. I acknowledge that the area can become busier and circulation space more constrained during events held on the square. However, given the overall availability of space and alternative pedestrian routes, the evidence before me does not indicate that the hub would unduly restrict pedestrian flow. Moreover, noting the limited traffic on Davygate and the surrounding streets, I am not persuaded that the proposal would present a danger to highway safety.

18. On that basis, I conclude that the proposals in relation to both appeal A and Appeal B would not have an unacceptable impact on pedestrian movement or public safety. In that respect therefore, the proposal would accord with Policy D1 of the Local Plan which seeks to promote ease of public pedestrian and cyclist movement and establish natural patterns of connectivity, and Policy D13 in respect of positively reflecting the interests of public safety.

Conclusion

19. The proposal would not give rise to pedestrian movement or public safety concerns. However, for the reasons set out would have a significant, harmful impact on the designated heritage assets which would not be outweighed by public benefits.
20. In terms of appeal A the proposal would conflict with the development plan considered as a whole. There are no material considerations that would indicate that the appeal should be granted contrary to the development plan. In terms of Appeal B, the advertisement would cause significant harm to the amenity of the area.
21. On that basis, both Appeal A and Appeal B are dismissed.

S Ashworth

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/C2741/W/25/3366578	Infocus Public Networks Limited
Appeal B	APP/C2741/H/25/3366581	Infocus Public Networks Limited