



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/25/3366583

Pavement o/s 7 Davygate, York YO1 8QR

- 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 25/00373/FUL.
 - The development proposed is the installation of a multifunctional communication Hub including defibrillator and advertisement display.
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Appeal B Ref: APP/C2741/H/25/3366585

Pavement o/s 7 Davygate, York YO1 8QR

- 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 25/00374/ADV.
 - The advertisement proposed is the 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, s66 (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, 15 and 20 Davygate and the Church of St Helen, Stonegate 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

Character and appearance

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 historic interest. Located within the 'Central Shopping Area' character area, Davygate forms one of two main pedestrian routes running north-west to south-east through the city which, the conservation area appraisal notes, accommodate major retail outlets and the highest numbers of pedestrians.
9. Davygate is lined by buildings of a mix of ages and styles including both modern and historic buildings. Nos 15 and No 20 Davygate are both Grade II listed buildings, and, at the end of the street, the Church of St Helen is a Grade II* listed building. The site lies a short distance from these heritage assets and is within their settings. Other than the provision of bicycle racks there is very little street furniture on Davygate and external signage on shop fronts is generally modest.
10. The hub would be sited on a projecting element of the footway some 4.3m from the face of the nearest building. 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.
11. The proposed freestanding structure would be significantly taller and bulkier than existing street furniture, making it a prominent feature on Davygate 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.

12. The significance of the listed buildings lies largely in their age, historic interest and architectural detailing. Although the site is a short distance from these heritage assets, the uncluttered, largely traffic free street allows the buildings to be appreciated. In that context, the proposal would be a discordant and distracting element in the setting of the listed buildings, as such affecting the way in which they are experienced.
13. 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.
14. 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.
15. 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 the harm I have identified 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.
16. 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

17. Davygate is a pedestrian zone with vehicle use restricted to delivery vehicles and blue badge holders only. The single carriageway is flanked on both sides by pedestrian footways with parking bays on one side. As set out above, Davygate is one of the busiest pedestrian routes in the city. Even at the time of my visit, mid-morning on a week day, the street was busy with people. There were no vehicles present and pedestrians were walking both in the carriageway and along the footways.
18. The hub would be positioned on a projecting part of the pavement between parking bays. It would not therefore cause an obstruction within the main part of the footpath and would not significantly hamper the ability for pedestrians to

navigate the street. Moreover, given the limited evidence before me, and noting the restricted amount of traffic using the street, I am unconvinced that the proposal would be a danger to highway safety.

19. 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

20. 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.
21. 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.
22. On that basis, both Appeal A and Appeal B are dismissed.

S Ashworth

INSPECTOR