



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/25/3366567

Pavement o/s 39-41 Parliament St, York, YO1 8RU

- 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 25/00391/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/25/3366571

Pavement o/s 39-41 Parliament St, York, YO1 8RU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Infocus Public Networks Limited against City of York Council.
 - The application Ref is 25/00392/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 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.
6. Appeal documents variously describe the address of the site as being pavement outside 39-41 Parliament Street or adjacent to 40-45 Parliament Street. Nevertheless, I can identify the proposed location of the proposal from the site plan which shows the position of the proposed hub outside the M&S store on Parliament Street. I have dealt with the appeal on that basis.

Main Issues

7. 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 including, 37, 38, 39, 43 and 8-9 Parliament Street and (ii) the effect of the proposal on pedestrian movement and safety.
8. 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

9. The Central Historic Core Conservation Area is characterised in part by the diversity, scale and quality of its architecture including many important listed buildings of special architectural and or historic interest as well as the historic street pattern and relationship between buildings and spaces. Located within the 'Central Shopping Area' character area, Parliament Street 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.
10. The street was created following the demolition of a number of buildings in 1835-40 and is lined with buildings of a mix of styles and ages. In the immediate vicinity of the site a number of buildings flanking the street are grade II listed buildings. The space between the facing terraced rows of buildings is wide with trees and benches in the central section. Although I noted outdoor seating for cafés, the space is generally free from permanent clutter. The street is used as a temporary market at various times of the year and at the time of my visit this particular section of Parliament Street was being used as part of the Yorkshire Halloween Festival.
11. The hub would be sited on a paved area 4.3m from the face of the store. 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.
12. The proposed freestanding structure would be significantly taller and bulkier than existing street furniture, making it a prominent feature on Parliament Street 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, 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.

13. Whilst the building occupied by M&S is not a listed building, the unit would be sited only a few metres from the front of neighbouring 39 Parliament Street, a Grade II listed building, and close to other listed buildings set out in the main issue. The significance of these listed buildings lies largely in their age, historic interest and architectural detailing. The wide open space allows the buildings to be seen and appreciated. In that sensitive 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.
14. 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.
15. 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.
16. 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.
17. 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

18. Parliament Street is a largely pedestrianised zone and vehicle use is restricted. As set out above, it is one of the busiest pedestrian routes in the city. The hub would

be positioned on a wide paved area well away from the carriageway. It would not therefore significantly impede pedestrian flow or cause a danger to pedestrians. Whilst I saw at my visit that circulation space is much more restricted when market stalls are present, I am unconvinced on the basis of the evidence before me that pedestrian movement or safety would be significantly harmed by the presence of the hub. Moreover, noting the distance of the site from the carriageway, 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