



Appeal Decisions

Site visit made on 3 November 2025

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal A Ref: APP/C1055/W/25/3363629

Pavement outside 4 East Street, DERBY, DE1 2AU

- 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 NETWORK LIMITED against the decision of Derby City Council.
 - The application Ref is 25/00096/FUL.
 - The development proposed is the installation of a freestanding telephone apparatus with affixed defibrillator and advert display.
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Appeal B Ref: APP/C1055/H/25/3363630

Pavement outside 4 East Street, DERBY, DE1 2AU

- 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 NETWORK LIMITED against the decision of Derby City Council.
 - The application Ref is 25/0097/ADV
 - The development proposed is the installation of a freestanding telephone apparatus with affixed defibrillator and advert display.
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Decision

Appeal A

1. Appeal A is dismissed.

Appeal B

2. Appeal B is dismissed

Preliminary Matters

3. The two applications were made in the name of In Focus Network Ltd but the appeal form refers to the appellant as In Focus Public Networks. The appellant advises that they are both the same company. For the avoidance of doubt, I refer to the company name on the original application form in the banner heading above.
4. The two appeals are made in relation to the same site. Appeal A relates to the refusal of planning permission for a freestanding telephone apparatus with affixed defibrillator. Appeal B relates to the refusal of advertisement consent for a digital display screen (the advertisement) which would be integral to the development. I have determined both appeals on their merits but, to avoid duplication, dealt with the two together.

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) state that advertisements should be subject to control only in the interests of amenity and public safety. The Council have raised concern in relation to both issues, and I address these in my reasoning below.

Main Issues

6. For Appeal A, the main issue is whether the proposal would preserve the settings of the Grade I listed Cathedral Church of All Saints (Ref 1228277), the locally listed Court House Public House and the City Centre Conservation Area.
7. For Appeal B, the main issues are the effect of the proposal on the visual amenity of the area and public safety.

Reasons

8. The appeal site lies at the junction of Morledge and the pedestrianised East Street. The proposal would involve the erection of a freestanding rectangular dark grey/brown coloured steel and alloy structure that would be about 2.63m tall, 1.34m wide and 0.317m in depth. One side of the apparatus would contain an internally illuminated advertisement screen displaying a sequence of static digital images. On the other side of the structure there would be an interactive touch screen and a defibrillator enclosed in a canopy projecting out approximately 0.6m.
9. The proposal would be sited in a position currently occupied by a cycle parking hoop, which is to be relocated within the pavement. The site lies just outside the City Centre Conservation Area and in the setting of the Grade I listed Cathedral and locally listed Court House Public House, also known as the White Horse Public House.
10. The appeals form resubmissions of previous applications also dismissed on appeal¹. That scheme was in the same location but orientated with the advertisement visible when looking northwest.

Significance of heritage assets

11. The Cathedral Church of All Saints forms a Grade I listed building. The original church on the site was founded in the mid-10th century as a royal collegiate church, dedicated to All Saints. The main body of the church as it stands today is a Georgian rebuilding by James Gibbs, completed in 1725. The tower dates from the 16th century. The building was raised to Cathedral status in 1927 creating a seat for the Bishop of Derby. The significance of the listed building, insofar as it relates to these appeals, are largely derived from its age and its architectural and historic interest as an example of good neo classical design.
12. The Cathedral's immediate setting is defined by the existing pattern of development in its vicinity. In terms of its wider setting, the building forms a prominent landmark as a result of its height, with its tower visible above rooftops and from various viewpoints in the city centre. This contributes to its special interest and significance.

¹ Appeal Decisions APP/C1055/W/24/3346195 and APP/C1055/H/24/3346194

13. The White Horse Public House is a locally listed building and is therefore a non-designated heritage asset. It forms a highly decorated classically designed three storey public house built in 1923, although there has been an inn on the site since 1779. Its significance as far as it relates to these appeals, is largely derived from its architectural and local historic interest.
14. The appeal site lies just outside the City Centre Conservation Area (CA). It covers the historic core of Derby and includes the Grade I listed Cathedral. The special interest and significance of the CA insofar as it relates to these appeals, is derived principally from its historic street pattern, including medieval side streets, prevalence of red brick Georgian town houses and Victorian civic and commercial buildings and the planned urban spaces, all of which reflect the growth and origins of the City.

Effect on the significance of the heritage assets

15. The proposal is sited in an area with a number of modern retail, leisure and commercial units. To the south-east is the Eagle Market building, beyond which is a multi storey car park spanning Morledge at a high level and the Derbion shopping centre. Derby Bus Station lies on the opposite side of Morledge together with a modern building housing a hotel and casino.
16. The pavement in this location is relatively wide and contains a range of street furniture including lamp post columns, a post box, cycle parking, seating, planters, litter bins and road signage. I also noted an existing hub apparatus a little further down Morledge by Lolly Roll's and the Law Courts. In terms of overall scale, design and materials the structure would not look out of place in this busy commercial environment.
17. When viewed looking towards the south-east, the advertisement display would be in full view, and the hub would be seen against the backdrop of the modern commercial buildings with their own signage and advertising. Looking in this direction, having regard to its busy commercial context, the proposal would not cause harm to the character and appearance of the area.
18. Looking towards the north west, with the communication side of the hub facing, the structure would be viewed with the CA, the locally listed White House Public House and the tower of the Cathedral in its background. The setting of a heritage asset is described in the Glossary to the Framework as the surroundings in which an asset is experienced.
19. From this direction, the proposal would appear as a large free standing structure which would appear intrusive in the relatively open view down Morledge. I accept that the orientation now proposed, with the advertisement facing north west is preferable to the previous proposal dismissed on appeal. Nevertheless, the structure would still attract the eye and compete with the view of the Cathedral Tower, the White House Public House and CA and fail to preserve their setting. For the same reasons it would also impact negatively on visual amenity.
20. Consequently, the proposal would fail to accord with saved policies GD5, E18 and E19 of the City of Derby Local Plan Review 2006 and Policies CP3, CP4 and CP20 of the Derby City Local Plan - Part 1: Core Strategy 2017 and the Framework as far as they are relevant. These require that development is of high-quality design and preserves or enhances heritage assets.

Public Safety

21. The Council's second reason for refusal relates to the potential of the hub to interrupt pedestrian flows from the south east and represent a hazard to blind or partially sighted persons. I note this did not form a reason for refusal on the previously refused application. When approaching the hub from the south west, the pavement is narrower by the market building. There is a bus stop here, and I noted on my site visit that people waiting for a bus can interrupt pedestrian flows. The pavement then widens the closer a user gets to East Street. I recognise that with the post box and an existing equipment cabin close to the site of the appeal proposal, the installation of the hub could create a pinch point if footpath users try to keep to the building side of the pavement. A cycle parked on the existing cycle loop already potentially creates the same difficulty. However, the hub would be sited approximately 4.3 metres from the pavement edge. The wider pavement at this point gives adequate space for a footpath user to pass the hub on the northern side.
22. The appellant has suggested that the glass side panels to the Hub unit could be removed so that they cannot cause a hazard to visually impaired footpath users who would not expect such a projection. It is suggested this could be secured through the imposition of an appropriately worded condition. However, given the extent of their projection, I do not consider that this would be necessary.
23. Overall given the above, I find that the proposal would not unacceptably interrupt pedestrian flows and would cause no significant hazard to footpath users.
24. The proposal would therefore comply with saved policy GD5 of the adopted Derby City Local Plan Review and Policy CP3 of the Derby City Local Plan - Part 1: Core Strategy 2017 which seek to achieve high quality design and amenity.

Heritage balance

25. The Framework advises at paragraph 212 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 212 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
26. When this is the case, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of a proposal.
27. Paragraph 119 of the Framework supports the expansion of electronic communications networks which it states is essential for economic growth and social well-being. The provision of the apparatus would contribute to the expansion of communication networks in the City. The provision of a defibrillator would also be a benefit contributing to wellbeing. However, as there is already a similar hub very close by on the other side of Morledge, these benefits must be tempered accordingly. Overall, I consider these public benefits to be limited and find that they would not outweigh the harm I have found to the designated and non-designated heritage assets.

28. Given the above, I conclude that the proposal would not preserve the settings of the Cathedral and the City Centre CA or the White Horse Public House, a non-designated heritage asset. Whilst I have found that the advertisement would not cause harm to public safety, it would form an incongruent feature causing harm to visual amenity.
29. Consequently, the proposal would be contrary to saved policies GD5, E18 and E19 of the City of Derby Local Plan Review 2006 and policies CP3, CP4 and CP20 of the Derby City Local Plan - Part 1: Core Strategy 2017 and the Framework as far as they are relevant. Together these require that development is of high-quality design which makes a positive contribution to character, distinctiveness and identity and preserves or enhances heritage assets.

Conclusion

30. For the reasons given above, and having had regard to all other matters raised, the appeals are dismissed.

Helen Hockenhull

INSPECTOR