



Appeal Decisions

Site visit made on 28 October 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal A Ref: APP/W1715/W/25/3363428

Pavement o/s 44-50 High Street, Eastleigh, Hampshire SO50 5LE

- 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 Mr Nathan Still on behalf of Infocus Public Networks Limited against the decision of Eastleigh Borough Council.
 - The application Ref is F/24/98496.
 - The development proposed is the Installation of an internally illuminated digital advertised communication hub unit with defibrillator.
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Appeal B Ref: APP/W1715/Z/25/3363430

Pavement o/s, 44-50 High Street, Eastleigh, Hampshire SO50 5LE

- 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 Mr Nathan Still on behalf of Infocus Public Networks Limited against the decision of Eastleigh Borough Council.
 - The application Ref is A/25/98752
 - The advertisement proposed is the display of an internally illuminated digital advertised communication hub unit with defibrillator.
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Decision Appeal A

1. The appeal is allowed, and planning permission is granted for the Installation of an internally illuminated digital advertised communication hub unit with defibrillator, at Pavement o/s 44-50 High Street, Eastleigh, Hampshire SO50 5LE in accordance with the terms of the application, Ref F/24/98496, subject to the conditions in the attached schedule.

Decision Appeal B

2. The appeal is allowed, and express consent is granted for the display of an 86" LCD screen to one side and a 32" screen to the other side of an internally illuminated digital advertised communication hub unit with defibrillator, at Pavement o/s 44-50 High Street, Eastleigh, Hampshire SO50 5LE in accordance with the terms of the application, Ref A/25/98752, dated 14 November 2024. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the additional conditions in the attached schedule.

Preliminary Matters

3. I have used the description of development from the Council's decision notices in the banner headings above, and in my formal decision for appeal A, as this more accurately describes the proposed development. However, in my formal decision

for appeal B, I have amended the description to include the size and position of the LCD screens as this more accurately describes the proposed advertisement.

4. As noted above, there are two appeals on this site. They differ only in that appeal A relates to planning permission and appeal B to express advertisement consent. I have considered each on its individual merits. However, as they raise similar issues, I have dealt with the two schemes together, except where otherwise indicated, to avoid duplication.
5. In respect of appeal B, the Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. Regard does not need to be had to the development plan. Therefore, while I have taken relevant policies of the Eastleigh Borough Council Local Plan (2022) (the Local Plan) into account as material considerations, they have not been determinative.
6. In relation to appeal B, whilst the Council's main reason for refusal relates to public safety, they also comment on the effect of the proposed hub unit on the street scene. Having examined the evidence, I find that the hub unit, which contains the advertised screens, would be manufactured from high quality materials in a scale, form and design that would integrate with its surroundings. I therefore conclude that the advertisement would not harm the visual amenity of the surrounding area.

Main Issues

7. The main issue for appeal A is the effect of the proposal on pedestrian safety. The main issue for appeal B is the effect of the proposed advertisement on public safety.

Reasons

8. The appeal site is an area of pavement located outside 44-50 High Street, close to its junction with Wells Place. It is in a predominantly mixed-use area that forms the central retail and commercial district of the town centre. It is located around 30m to the north of a primary entrance into the 'Swan Centre', a major covered complex providing a large number of retail and leisure outlets, together with a large multi-storey car park, for use both by visitors to the Swan Centre and the town centre.
9. The pavement in the vicinity of the appeal site is around 4.2m in width. The plans indicate the hub unit would be located 600mm from the kerb edge, and would be 1338mm wide, resulting in a projection from the kerb edge of 1938mm, which would leave a clear pavement width of around 2.262m. This would provide ample space for pedestrian to pass, even for two wheelchair users to pass.
10. The Pavement contains street furniture such as lamp posts with attached street signage, a litter bin and mature trees. A town centre information board is located around 15m south of the proposed location of the hub unit. The lamp posts and litter bin are set back from the kerb edge by some distance, whilst the trees sit further into the pavement and include an unpaved, edged and earthed area surrounding the trunk, allowing for growth. As a result, the width of the pavement is currently restricted around 1.75m from the kerb edge, by the trees and their edged growth perimeter. The current clear width of the pavement adjacent to the tree is therefore around 2.45m.

11. At my visit, it was apparent that there is a free-standing glazed canopy structure, starting around 40m north of the proposed hub location on High Street. This runs the length of the rest of High Street, around the corner onto Leigh Road, and along Market Street, up to its junction with Wells Place. This canopy is supported on cast metal columns, one centred around 600mm from the frontage of adjacent properties, the other at around 2.3m centre to centre. Allowing for the diameter of the columns, this results in the free gap in the footway being reduced to around 2m, at the position of the columns.
12. Further, I observed that one public bar in this section of High Street, was utilising the pavement outside their frontage with an enclosed seating area, further reducing the free width of the footpath to a little over 1.2m at the positions of the canopy support columns. I also noted that between the outer canopy columns and the kerb edge are lamp posts, bins, 'Sheffield' style cycle stands and a post box.
13. The LHA have objected to the proposal on the grounds of safety due to the localised narrowing of the footpath, and the positioning of the hub 600mm from the kerb edge, which they aver will result in pedestrians not being able to see vehicles in the carriageway if they want to cross the road, and similarly, that drivers would not see pedestrians. The Council has echoed these concerns in their delegated officers report, also adding that the proposal would reduce flexible use of the space and clutter the public realm.
14. The High Street is a single carriageway section of road with one-way traffic, which is also subject to restricted speed limits. There are areas where the carriageway has been reduced in width for crossing points and to slow traffic. The proposal would be located 600mm from the kerb edge. As a result, any pedestrian wishing to cross the road would be stood forward of this point. They would, therefore, have a clear view in the single direction from which traffic would be coming, and drivers would also have a clear view of them. The narrow width of the proposed hub unit would also likely result in pedestrians taking the extra step required, to cross the road on the side of the hub where their visibility would be unimpeded in any way. I therefore find that pedestrian and highway safety would not be significantly affected by the proposal.
15. Whilst the clear width of the pavement would be reduced locally by the proposal, this would be for a very short section of footpath, and the extent of reduction would be little different to that experienced by pedestrians using the pavement in other sections on this side of the High Street. The free pavement width would be only marginally narrower than that at locations of trees and would be greater than that at the location of the columns supporting the canopy. Pedestrians would, therefore, be well used to navigating the street furniture in this footpath, such that the introduction of a further item would not unduly impede their progress.
16. The appellant has referenced Transport for London's adopted standards and best practice on footpath accessibility from the Streetscape Guidance (2022) document. They note that the document makes a recommendation for a preferred minimum clear footpath width of 2000mm, which the proposal would exceed. The Council have refuted this guidance, noting that the appeal site is not within London, therefore the guidance is not relevant. However, neither the Council, nor Hampshire County Council as the Local Highway Authority (LHA), have submitted any evidence of locally adopted minimum footpath width standards, against which the proposal should be assessed.

17. The operations manager of Eastleigh BID has expressed support for the proposal, whilst the Eastleigh Local Area Manager and Town Council has raised objections to the proposal and comment has been made by the Urban Design officer. They consider the proposal to be premature, noting that the Council is engaged in a major consultation programme concerning the future of the town centre, including trial pedestrianisation of High Street being one element, together with landscaping, alternative uses and the integration of public information among others. They consider that such hub units, if they are of benefit, should be integrated into future proposals in a co-ordinated way. No timescale has been identified for this process, or for the implementation of any findings. However, I am required to deal with the appeal before me, not to consider how this may, or may not, integrate into any future proposals for the regeneration of the town centre.
18. The hub unit would provide several potential benefits for the local community, not least the provision of a defibrillator, but could also be utilised by the Council to provide both visitors and residents alike, information on the town and the range of local services available. The hub would also provide access to telephony, phone charging and the emergency services. Its use for displaying the town centre map may also allow for the removal of the existing town centre map unit.
19. For the above reasons, in relation to appeal A, I conclude that the proposal would not have a harmful effect on pedestrian safety. Consequently, it would not conflict with Policies DM1 and E3 of the Local Plan, which require, among other things, that development takes account of the context of the site and to be compatible with adjoining uses, and to strengthen the retail circuit through development that strengthens the function of the town centre.
20. In respect of Appeal B, the advertisement itself is integral to the hub unit, and the Council has not identified any concerns that are specifically related to the advertisement in terms of public safety other than the effect the hub unit itself would have on narrowing of the pavement. Consequently, for the reasons given above, I am satisfied that the advertisement would not obstruct pedestrian movements or have a harmful effect on public safety.
21. With regards to Appeal B, I therefore conclude that the proposed advertisement would not harm public safety. I have had regard to the policies of the Local Plan which seek to protect public safety and so are material in this case. Given that I have concluded that the proposal would not harm public safety, it does not conflict with these policies.

Other Matters

22. The site falls within the 13.8km Buffer Zone of the New Forest Special Protection Area (SPA), which is a Habitat Site as defined by The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). The qualifying features of the SPA are its priority habitats and species including Hen-harrier, European honey-buzzard, Eurasian hobby, European nightjar, Woodlark, Dartford warbler and Wood warbler as well as other typical species of forest and heath areas.
23. Evidence shows that these protected Habitat Sites are under significant pressure from an increasing number of people living nearby. As the population grows, urbanising and increased visitor number effects from human pressures and damage caused by domestic pets have the potential to cause ongoing adverse

effects on the protected habitats and species. However, acting as the Competent Authority for the purposes of the Habitats Regulations in relation to this appeal, mindful of the location, nature and scale of the proposal, I am satisfied it would not impact the qualifying features of the SPA. There would not be any likely significant adverse effects resulting from the proposal, it is, therefore, not necessary for me to undertake an Appropriate Assessment.

Conditions

24. The Council has suggested several conditions which I have considered against the Framework tests and Planning Practice Guidance. Where appropriate, I have adjusted the wording in the interests of clarity and precision. For Appeal A, in addition to the standard time-limit for implementation condition, it is necessary to specify the approved plans and documents in the interests of certainty. A condition is also imposed to control the materials to be used in the proposal to ensure a satisfactory appearance in the interests of public amenity.
25. With reference to Appeal B, in addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations, which are not repeated in the attached schedule, I have imposed a condition restricting the intensity of the illumination of the advertisement at night together with the hours of illumination, in accordance with the details in the appellant's planning statement. A further condition, restricting the advertisements to static images, and the frequency and speed of their changeover, is necessary in the interests of highway safety.
26. The Council contend that the first standard condition cannot be complied with given the public realm location and ownership. However, all the condition achieves is that if consent is not given then the unit would not be able to be displayed.

Conclusion

27. For the reasons set out above, I conclude that the appeal A proposal would accord with the development plan, read as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal is allowed.
28. With regards to Appeal B, for the reasons set out above, I conclude that the appeal should be allowed, and express consent granted, subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

D R Kay

INSPECTOR

Schedule of Conditions

Appeal A

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.
- 2 The development hereby permitted shall be carried out in accordance with the following drawings and documents: Location Plan, Communication Hub - Unit Elevations, Infocus Communication Hub – Hub Detail.
- 3 No development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.

Appeal B

- 1 The intensity of the illumination of the advertisement permitted by this consent shall not exceed 300Cdm² from dusk till dawn. The advertisement screens shall be turned off each day, and remain turned off, between the hours of 11:59pm and 6:00am of the following day.
- 2 Any change in advertisement display shall be instantaneous. The advertisements displayed on each panel shall not change more frequently than once every 10 seconds. The displays shall not display any moving, or apparently moving, images.

***** End of Schedule*****