



Appeal Decisions

Site visit made on 5 November 2025

by **R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB**

an Inspector appointed by the Secretary of State

Decision date: 28th November 2025

Appeal A Ref: APP/W1525/W/25/3366798

Footpath East Of 216 Moulsham Street, Chelmsford

- 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 Simon Warner of BT Group PLC against the decision of Chelmsford City Council.
 - The application Ref is 25/00188/FUL.
 - The development proposed is installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit
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Appeal B Ref: APP/W1525/Z/25/3366799

Footpath East Of 216 Moulsham Street, Chelmsford

- 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 Simon Warner of BT Group PLC against the decision of Chelmsford City Council.
 - The application Ref is 25/00189/ADV.
 - The advertisement proposed is installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit.
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Decisions

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matters

2. In the interests of certainty, for both appeals I have taken the description of development from the application form, and the address from the decision notice, in the banner headings above.
3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Act) requires special regard to be paid to the desirability of preserving the building or its setting. In addition, Section 72(1) of the Act requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. I have therefore had regard to these statutory duties in my assessment of Appeal A.

Main Issues

4. The main issue for Appeal A is the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, No 216 Moulsham Street (No 216), the setting of the nearby Locally Listed Buildings (LLBs) Nos 12-13 Moulsham Street (Nos 12 – 13), and the extent to which it would preserve or enhance the character or appearance of the Baddow Road and River Can Conservation Area (Conservation Area).
5. The main issue for Appeal B is the effect of the proposal on the amenity of the area.

Reasons

Appeal A

6. The site is located within a pedestrianised area in the city centre of Chelmsford adjacent to a busy highway and pedestrian underpass and crossing. An existing telephone kiosk is located on the site and is near a seating area and the entrance to the underpass. Numerous street furniture and structures are near the site including streetlights, seating, handrails, bus stop and bins. There are 2 and 3 storey traditional style buildings in the surrounding area that face the site that accommodate retail and commercial uses. A short distance away is the entrance to Moulsham Street, the commercial centre of the city which consists of predominantly traditional style buildings with retail and mixed uses. Accordingly, the area surrounding the site has a vibrant commercial character and traditional town centre appearance.
7. Across the entrance to Moulsham Street and facing the site lies No 216, a Grade II listed building. No 216 dates to around 1700 and is timber framed with later alterations and modern shop front. Overall, the building retains a traditional character. Accordingly, its significance lies in the evidence of historic vernacular architecture and alterations over time. Given the distance between the site and the listed building, the site lies within the setting of No 216.
8. The LLBs Nos 12-13 lie to the north of the site. They date from the early nineteenth century, and their significance also lies in the evidence of historic architecture.
9. The Conservation Area is characterised by predominantly historic architecture with retail and commercial uses at ground floor. While the buildings are a mix of forms and ages, the area retains a pleasant vibrant traditional character. Accordingly, the significance of the Conservation Area, insofar as it relates to the Appeal A, lies in the evolution of the historic town centre and evidence of traditional retail and commercial architecture. The Conservation Area forms part of the setting of both No 216 and the LLBs and has a vibrant and traditional character and appearance.
10. The existing telephone kiosk has a modern functional design in contrast to the traditional buildings nearby. However, the structure is a modest height with limited width and the slim structure and glazing result in a lightweight appearance. Moreover, the advertisements attached to the sides are not internally illuminated. As such, the existing structure provides a neutral contribution to the setting of No 216, the LLBs and the significance of the Conservation Area.
11. The proposal includes the removal of the existing telephone kiosk and the erection of a Street Hub with digital illuminated screens that would include advertisements on both sides. The Street Hub would appear significantly taller and wider in one direction than the existing kiosk. Although the sides would be narrower than the kiosk and the footprint would be smaller, the Street Hub would appear larger than the kiosk particularly when viewed from No 216 and the pedestrianised entrance to the commercial centre of the city. Unlike the kiosk, the proposal would be opaque, resulting in a heavier appearance.
12. Therefore, the proposal would result in a larger bulkier appearance than the kiosk and compared with the street furniture nearby, which are mostly either at low level have smaller dimensions or have a more lightweight appearance. As such, the proposal would appear as a heavy, discordant feature of the public realm, eroding the pleasant traditional character and appearance of the area.

13. Given the above, the proposal would harmfully detract from the traditional character and appearance of the area. It would therefore harm the setting of the LB, thereby eroding its significance. As the proposal would appear unduly prominent when viewed from the surrounding area, it also harm the significance of the Conservation Area and significance of the LLBs.
14. Paragraph 212 of the National Planning Policy Framework (Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
15. The harm with respect to the Street Hub would be less than substantial. Given the limited scale of the proposal, the scheme would fall in the lower end of this spectrum of harm. In accordance with paragraph 215 of the Framework this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
16. The Appellant has put forward a number of public benefits including the provision of public Wi-Fi, access to public services, USB ports for rapid device charging, free emergency services calls, community and emergency awareness messaging, environmental sensors, improved 4G and 5G coverage and free council advertising. I also note the background to the BT Street Hub project in the Council area and UK. These benefits would be limited commensurate to the scale of the proposals. Moreover, there is limited evidence to demonstrate that there is substantial deficiency of internet coverage in the area.
17. Therefore, given the great weight that must be given to the conservation of heritage assets, the public benefits of the proposals do not outweigh the harm to the setting of the LB, the LLBs and the Conservation Area.
18. The Framework supports high quality communications infrastructure and encourages the use of existing electronic communications sites. However, given the harm identified above, these matters have not altered my overall decision.
19. The removal of a telephone kiosk adjacent to a Grade II Listed church has been offered by the Appellant as a benefit but not indicated on the submitted drawings or description of development. The telephone kiosk is similar in design as the kiosk on the site in that it has a lightweight appearance and is a modest height. It therefore has a neutral effect on the character of the setting of the historic church and its significance. Its removal would therefore provide a limited public benefit. Given the great weight attached to the conservation of heritage assets, even if the removal of the kiosk could be secured as part of the proposal, it would not alter my overall decision.
20. Consequently, with respect to Appeal A, the proposal would harm the character and appearance of the local area and fail to preserve the significance and setting of nearby listed buildings and the character or appearance of the Conservation Area. Therefore, it would conflict with Policies SPS3, DM13, DM14 and DM23 of Chelmsford Local Plan 2013-2036 Adopted 27 May 2020 (LP) which together seek, among other things, to conserve or enhance the significance (including any contribution made by its setting) of Listed Buildings, to preserve or enhance the character or appearance of the conservation area, to retain the significance of a non-designated heritage asset, including its setting, and high quality design.

Appeal B

21. While there are advertisements in the surrounding area including at ground level, these are largely not internally illuminated. There is a freestanding advertisement unit at the bus stop to the opposite side of the road. However, this structure has a closer functional and visual relationship to the busy highway and adjacent car park than to any conservation areas. The active frontages of the retail units appear as part of the units and do not appear incongruous in the traditional city centre setting.
22. In contrast, the proposed advertisement screens would be full height at ground level, and would be internally illuminated, resulting in a highly prominent appearance. This would be seen in the context of the traditional entrance to Moulsham Street and surrounding pedestrianised public realm.
23. As such, given the discordant effect that the proposed digital screens with internally illuminated advertisements would have on the traditional character of the area, they would harm the amenity of the area.
24. Consequently, with respect to Appeal B, the proposal would harm the amenity of the area. Therefore, it would conflict with LP Policy DM23 which seeks, among other things, development that respects the character and appearance of the area.
25. Given similarities between the proposals subject of Appeal A and Appeal B, the public benefits of the proposal set out above in relation to Appeal A, are applicable to Appeal B. As the scale of the proposals are limited, the material considerations including the public benefits outlined above do not override the harm to the amenity of the area.

Other Matters

26. I note the comments of the other Inspectors noted by the Appellant. However, further details are not before me, and they appear to be in locations some distance from the appeal site such as Dundee, London and Blackpool. Accordingly, while they maybe in commercial settings, the examples do not directly compare with the appeals before me in terms of character and appearance.
27. With respect to other appeals for similar hubs and advertisements near the site, these are located at the entrance to Moulsham Street and the sites were not occupied by telephone kiosks. Therefore, they have a different relationship to the surrounding buildings than the proposal subject of these appeals and have not altered my overall decision.

Conclusion

28. For the reasons given above, the proposals would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, Appeal A and Appeal B are dismissed.

R.Sabu

INSPECTOR