
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: 01 December 2025

Appeal A Ref: APP/W1715/W/25/3363433

Pavement o/s Swan Centre Car Park, Wells Place, Eastleigh, Hampshire SO50 5PB

- 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/24/98495.
 - The development proposed is the installation of an internally illuminated digital advertised communication hub unit with defibrillator.
-

Appeal B Ref: APP/W1715/Z/25/3363434

Pavement o/s Swan Centre Car Park, Wells Place, Eastleigh, Hampshire SO50 5PB

- 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/25/98751.
 - The advertisement proposed is the display of an internally illuminated digital advertised communication hub unit with defibrillator.
-

Decision Appeal A

1. The appeal is allowed, and planning permission is granted for the installation of an advertised communication hub unit with defibrillator at Pavement o/s Swan Centre Car Park, Wells Place, Eastleigh, Hampshire SO50 5PB in accordance with the terms of the application, Ref F/24/98495, 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 Swan Centre Car Park, Wells Place, Eastleigh, Hampshire SO50 5PB in accordance with the terms of the application, Ref A/25/98751. 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 the pedestrian entrance/exit of the Swan Centre car park on Wells Place. It is within a predominantly mixed-use area that forms the central retail and commercial district of the town centre. The proposed hub unit would be located around 5m to the north-east of a primary stepped entrance into the 'Swan Centre', a major covered complex providing many retail and leisure outlets, together with a large 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 5.9m in width and contains street furniture, such as lamp posts with attached street signage, a CCTV column and a litter bin, which are set back from the kerb edge by some distance. A town centre information board is located around 7m west of the proposed location of the hub unit. There is a service drop-off/pick-up layby adjacent to the appeal site to the east, which reduces the footpath alongside it to around 2m in width.
10. 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 close to 4m, notably to the car park

pedestrian entrance side of the proposed hub unit. The proposal would also relocate the existing litter bin to maintain free flow for pedestrians.

11. At my visit, it was apparent that the width of the pedestrian opening into the adjacent Swan Centre covered car park is significant. It is also splayed in angle to encourage dispersal in many directions and to maintain free flow. The proposed position of the hub unit would leave close to 4m clear width between it and the pedestrian entrance. Even allowing for the potential volume of pedestrian traffic, I find this would provide ample space for pedestrians to pass, even for two wheelchair users and pedestrians to pass simultaneously.
12. The LHA have not objected to the proposal, noting that the proposed location of the hub unit is in a non-obstructive position on Wells Place. They further note that there is adequate pedestrian movement space to circulate around the hub unit. The Council has noted in their delegated officer's report, that the proposed hub's location, in combination with the other street furniture, would obstruct the flow of pedestrian movement, creating a tight area to navigate as a pedestrian. They also add that the area has high foot traffic, and that the proposal would reduce flexible use of the space near the steps and would clutter the public realm.
13. The operations manager of Eastleigh BID has expressed support for the proposal, and the Town Council has raised no objections to it. However, the Eastleigh Local Area Manager objects 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.
14. Whilst the proposal would locally reduce the width of the paved area, I find this would not have a harmful effect, owing to the significant width of paved area which would remain available for pedestrians. The proposed hub's location would be far enough away from the pedestrian entrance to the Swan Centre car park to provide ample circulation space around the hub unit. To the east of the proposed hub unit, the footpath is restricted in width to around 2m by the vehicle layby. There is no evidence before me that identifies that this has resulted in safety issues for pedestrian users. As the area adjacent to the proposed hub unit would be almost twice this width, I conclude that the proposed hub unit would not overly restrict the pedestrian flow.
15. 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, with 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 would allow the opportunity for the removal of the existing town centre map unit, reducing clutter in the public realm, and widening the current effective width of pavement adjacent to the bottom of the pedestrian steps. I therefore find that the proposal would not have a harmful effect on pedestrian safety.

16. For the above reasons, in relation to appeal A, I conclude the proposal 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.
17. 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.
18. With regards to Appeal B, 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

19. 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.
20. 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 effects resulting from the proposal, it is, therefore, not necessary for me to undertake an Appropriate Assessment.

Conditions

21. 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.
22. 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. 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.

23. 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

24. 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.
25. 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*****