
Appeal Decisions

Site visit made on 24 November 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 December 2025

Appeal A Ref: APP/M0655/W/25/3373398

Footpath opposite 4 Barbauld Street, Warrington WA1 1EY

- 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 Verity Cheyne of BT Group PLC against the decision of Warrington Borough Council.
 - The application Ref is 2025/00786/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/M0655/H/25/3373399

Footpath opposite 4 Barbauld Street, Warrington WA1 1EY

- 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 Verity Cheyne of BT Group PLC against the decision of Warrington Borough Council.
 - The application Ref is 2025/00768/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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Decision

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

Preliminary Matters

2. The application forms and decision notices refer to "Footpath outside 4 Barbauld Street." The appeal forms refer to "Footpath opposite 4 Barbauld Street." As the site is located on the footway on the opposite side of the carriageway to No. 4, for best clarity I have amended the address accordingly.
3. Appeal A concerns the refusal of planning permission to erect a BT Street Hub. Appeal B concerns the refusal of express consent to display advertisements on the Street Hub. Although the description of development on the application forms and decision notices are the same for both appeals, under Appeal B I have only assessed the proposed advertisement panels. I have dealt with each appeal on its own merits, but as they are fundamentally linked and raise similar issues, I have considered them together in my reasoning where possible to avoid duplication.
4. The Council advises that the Appeal A reason for refusal 1 erroneously refers to the Warrington Local Plan (LP) Policy INF6, rather than its Policy INF3. As the appellant's appeal evidence responds to INF3 and not INF6, I consider no parties have been prejudiced as a result.

5. In respect of Appeal B, powers under the Advertisement Regulations shall be exercised only in the interests of amenity and public safety. I have taken into account the provisions of the development plan for Appeal B only so far as they are relevant to these matters.
6. The existing adjacent phone kiosk/ATM is not within the red line boundary, and the appellant has presented no mechanism to ensure that it would be removed were I to allow these appeals. Nonetheless, to address the appellant's 'best case scenario', I have assumed it would be ensured by the imposition of a condition. I have not responded to the Council's comparison of this existing location being more preferential for a new Street Hub unit, as such a proposal is not before me.

Main Issues

7. The main issues are the effect of the proposed developments:
 - on the character and appearance/visual amenity of the area;
 - on public safety with particular regard to highway safety; and
 - on public safety with particular regard to Anti-Social Behaviour.

Reasons

Character and Appearance / Visual Amenity

8. The appeal site lies in the footway adjacent to the courtyard seating area of the Postern Gate public house. The existing street furniture in its immediate vicinity comprises two bins, a cabinet, a grit bin, a CCTV column, and a phone kiosk/ATM. Apart from the phone kiosk they are unobtrusive, being either low level and at the back edge of the footway, or for the CCTV column, being slimline and in line with typical street slighting column placement. The phone kiosk has a greater visual impact due to its bulk and light colouring. However, it is also sited at the back edge of the footway such that it is read in context with the cluster, and is also balanced in the streetscene by the overhanging courtyard trees.
9. The proposal is for a Street Hub unit, being a black aluminium cabinet 2.99m high, 1.24m wide, and 0.35m deep, with LED screens on each main elevation. These would display static advertisements with changing images every 10 seconds. The new Street Hub would not result in additional street clutter due to removal of the existing kiosk, but would give the impression of such by virtue of its greatly increased prominence. This would be due to its position located 0.5m from the edge of the carriageway, and its incongruous height, width, materials, and illumination. This prominence would not be sufficiently mitigated by the suggested conditions such as restrictions on the display and transition of images, and for illumination levels to accord with relevant standards.
10. The surrounding area is commercial, including retail, and food and drink premises, with existing advertising associated with these buildings and uses. However, this predominantly comprises fascia/building signs. The Postern Gate does include a large screen, but this faces inwards, is not permanently in use, and is less prominently located. The use of this courtyard is clearly discrete and contained from the adjacent footway, such that it does not set the context to introduce additional clutter or discordant advertising. The large advertisement hoarding a short distance to south is mounted on a building, and is only externally illuminated, making it less proximate and prominent within views than the appeal proposal

would be. The Bridge Street example suggested in precedent forms part of a bus shelter, and is also in a markedly different streetscene context.

11. The Bridge Street Conservation Area (CA) boundary runs along Friars Gate/ Barbould Street to the north of the appeal site, encompassing the buildings to the north-east. Its significance is focused on the fine examples of 18th, 19th, and 20th century commercial and ecclesiastical buildings around Bridge Street. The western side form a unified group, which originally had plots extending back to Barbould Street, and the eastern side shows a more varied architectural style. The 18th century Holy Trinity Church is a major town landmark. The Council's Conservation Officer concluded that although the appeal structure is not a positive contribution to the street scene in general, it is considered acceptable from a historic perspective. As it lies outside of the CA, and the scale of its impact would not be undue in respect of those CA buildings, I agree that the character and appearance of the CA would be preserved.
12. Nonetheless, overall, the proposal would harm the area's character and appearance, and visual amenity. For Appeal A, and insofar as relevant for Appeal B, there would be conflict with the LP Policies INF3 and DC6. Together and amongst other matters, these support development provided there is no unacceptable harm to the character and appearance of the street scene, including avoiding unnecessary street clutter, having regard to scale, height, massing, and materials appropriate to the local context, and that all practicable measures have been taken in design and positioning to minimise any such harm.

Highway Safety

13. The street furniture on this stretch of footway, with the exception of the CCTV column, are all located at its back edge. This means there is limited effect on pedestrian desire lines, and visibility. The phone kiosk has the largest massing, and blocks visibility when exiting from the car park to its north. As such, the appellant contends a betterment from its replacement with the Street Hub further away.
14. The Council accepts that the proposed visibility splay would be similar to that existing from the car park exit, with both being well below the desirable minimum and with intervisibility obstructed between emerging vehicles and those northbound on Barbould Street.
15. However, the Street Hub would also create additional issues for other vehicle movements. The immediate highway network serves a commercial area with an emphasis on leisure activity. It is subject to many and varied restrictions and hazards, with a range of associated warning signage. Traffic is dominated by HGVs in the day and pedestrians and taxis during the evening, with a significant increase in car traffic accessing car parks on Saturdays. It is essential for drivers to have the ability to easily concentrate on observing this signage, to avoid collisions, U-turns etc, and potential enforcement action.
16. The Street Hub would restrict leftwards visibility for vehicles exiting St Austins Lane, and the advertisements would be a prominent and undue distraction from the adjacent signage. Similarly, the northwards forward visibility on Barbould Street would be partially obstructed, whereby drivers would not see vehicles emerging from the car park to the left until having passed the unit.

17. For pedestrians, the Street Hub width and its position at the front of the footway would interrupt desire lines, particularly for persons with visual disabilities. The existing CCTV pole in line with the proposed location is much slimmer. Although the remaining pavement width would be around 2.2 m, exceeding the minimum standards within the guidance documents, its effective width would be reduced when people stand alongside the Street Hub during use. It would also obstruct a part of the footway which the Council identifies is used to queue for the public house, with a high volume of pedestrians using these footways in the evenings due to the area's extensive leisure and drinking facilities. Pedestrians may therefore be forced to walk into the road to avoid the obstruction.
18. There are also multiple destinations that encourage pedestrians to cross the roads in this area, making it especially important to maintain drivers' clear forward visibility. When travelling north, the width of the Street Hub would obstruct views of pedestrians either starting to cross or stepping into the road to avoid pavement obstructions. The Planning Practice Guidance (PPG) advises that proposed advertisements at points where drivers need to take more care are more likely to affect public safety, such as places where local conditions present traffic hazards.
19. Overall, the proposal would cause potential harm to pedestrians, and would distract drivers in an area requiring high levels of concentration. Altogether, these factors would create harm to public safety with regards to highway safety. The proposal would conflict with the LP Policy INF3, albeit for Appeal B only insofar as relevant, whereby development should cause no unacceptable harm to pedestrian movement or the satisfactory functioning of the highway. For Appeal B it would also conflict with the LP Policy DC6 regarding the promotion of safe methods of transport.

Anti-Social Behaviour (ASB)

20. The Council's CCTV Team advises that the proposed Street Hub location is in line with the CCTV camera view of the public house behind it, whereby the light from the Street Hub would blur the CCTV camera. This is based on similar experience elsewhere, which I have no reason to doubt. This would therefore result in a loss of CCTV evidence in the event of any disorder or ASB.
21. Furthermore, the Street Hub height and positioning would also block the CCTV camera views from any ASB occurring behind it, again resulting in a loss of CCTV evidence. Together, these factors would cause harm to public safety.
22. This would not be mitigated by the appellant's suggestion that the provision of indirect street lighting from the illuminated advertising signs would increase pedestrian safety. A streetlighting column is already located adjacent to the site.
23. The proposal would therefore likely be harmful to public safety as it would reduce the current ability to monitor these streets for ASB, and may in turn give rise to additional ASB occurring. In this regard the proposals would conflict with the LP Policy DC6, which amongst other matters, requires that good design should encourage the principles of crime prevention through environmental design, and minimise the incidence and fear of crime through the design of site layouts and buildings. I note the reason for refusal cites the LP Policy INF3 in relation to Appeal B, but I find no direct conflict related to matters of ASB.

Other Matters

24. Support is suggested from the proposal's electronic communications infrastructure functions of replacing and rationalising the existing network of payphones, free wi-fi and charging and phone calls, 5G small cell mobile connectivity, environmental sensors, display of emergency and free or low cost Council and community messaging, and direct emergency services contact. The National Planning Policy Framework ('the Framework') (2024) paragraph 123 states that Local Planning Authorities should not question the need for such infrastructure. Street Hubs are powered entirely by renewable energy. The proposed advertising would provide commercial funding for these services.
25. With relation to Appeal A, I take these benefits of improved electronic communications infrastructure into account. The Framework Paragraph 119 identifies advanced, high quality, and reliable communications infrastructure as being essential for economic growth and social well-being, whereby decisions should support the expansion of electronic communications networks, including 5G mobile technology. Although I have identified conflict with elements of the LP Policy INF3 above, it also specifies that (2) the Council will support the installation of existing and emerging telecommunications technology in new residential and employment development, to improve the connectivity of the population, support business growth and facilitate home working. However, the limited scale of the proposal means these benefits are all limited, with no specific local need identified.
26. With relation to Appeal B, the Regulations state that advertisements should be subject to control only in the interests of amenity and public safety. Alongside the Framework and the PPG, there is no indication that any of these suggested benefits can be taken into account and so I have not considered them within my decision. Advertising need should also not be considered.
27. Several Street Hub appeal decisions across different parts of the country have been presented by both main parties in support of their positions. Those other examples are not directly comparable in this instance, as they do not reflect the specific visual and highways context of the appeal site, for which planning judgement is required. This is also in acknowledgement that evidence on matters such as harm, and the development plan context, would also have been different for those appeals.

Conclusion

28. Overall, I find that the Street Hub benefits identified above would not outweigh the harm which would be caused to the character and appearance and visual amenity of the streetscene, and to public safety with regard to highway safety and ASB.
29. Appeal A would conflict with the development plan as a whole. With no other material considerations outweighing this conflict, I conclude that Appeal A is dismissed. I conclude that the display of the advertisements would be detrimental to the interests of visual amenity and public safety, and Appeal B is therefore also dismissed.

L N Hughes

INSPECTOR