



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: 9 December 2025

Appeal A Ref: APP/M0655/W/25/3373861

Footpath outside car wash, Junction Orford Lane and Rhodes Street, Warrington WA2 7BA

- 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 2025/00776/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/25/3373863

Footpath outside car wash, Junction Orford Lane and Rhodes Street, Warrington WA2 7BA

- 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 BT Group PLC against the decision of Warrington Borough Council.
 - The application Ref is 2025/00772/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. 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.
3. 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.
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. The existing adjacent phone kiosk is not within the red line boundary, and the appellant has not presented any mechanism to ensure its removal were I to allow these appeals. Nonetheless, to address the 'best case scenario' for the appellant, I have determined the appeals on the assumption that the imposition of a condition would ensure that this would occur.

Main Issues

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

Reasons

Character and Appearance / Visual Amenity

7. The site lies at the back of the footway, in front of a car wash business. Existing street furniture within the same stretch of footway includes a telephone kiosk, equipment cabinet, bus shelter, lighting column, and street signs and bollards. The proposal is for a Street Hub unit which would be 2.99m high, 1.24m wide, and 0.35m deep. It would comprise a black aluminium cabinet with LED screens on its each main elevation, to display static advertisements with images changing every 10 seconds.
8. The car wash and other commercial business on the appeal side of Orford Lane creates a predominantly commercial character, but one tempered by the residential properties directly opposite the site and others within the streetscene. Existing advertising is present, associated with the car wash, the business frontages, a large advertisement hoarding in the gable end close to the appeal site, and within an end panel of the bus shelter. There has also historically been advertising on the existing phone box panels.
9. However, only some of this advertising is directly lit, with none having internal digital illumination in the form proposed. The business advertising is in relation to its function, and the large hoarding is not at immediate eye level. The Street Hub advertisements would be larger than those on the existing phone kiosk. Particularly when crossing Amelia Street and travelling towards the appeal site, there would be an expanse of advertising across and above the full width of the footway, in combination with the bus shelter and the hoarding behind. The bulk of the Street Hub would also create the impression of a solid mass from this angle.
10. The Street Hub would be taller and wider than the phone kiosk it would replace, alongside its illumination. It would be an incongruous structure and cause undue dominance and prominence within the streetscene. The suggested conditions for matters such as restrictions on the display and transition of images, and for illumination levels to accord with relevant standards, would not sufficiently mitigate this. It would create unacceptable clutter with regards to the cumulation of street furniture and advertising in this vicinity.
11. The appellant suggests that the indirect street lighting from the illuminated advertising would increase pedestrian safety, but the site is already adjacent to a streetlighting column.

12. Overall therefore, the proposal would cause harm to the area's visual amenity, and character and appearance. For Appeal A, and insofar as relevant for Appeal B, the proposal would conflict with elements of the LP Policies INF3 and DC6. Together and amongst other matters, development is supported provided there is no unacceptable harm to the character and appearance of the street scene, including avoiding unnecessary street clutter, in 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 Hub would be at the back of the footway alongside the fence, in line with the existing equipment cabinet, and the phone kiosk to be removed. This would leave a 3.3m wide extent of footway to the carriageway, compared to the current 3.6m width between the phone kiosk and the carriageway.
14. The Council discusses a generally expected minimum pavement width of 2.0m, based on 'Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure, DfT, 2021'. This width allows enough space for two wheelchair users to pass, even if using larger electric mobility scooters. If not feasible due to physical constraints, a minimum width of 1.5m could be regarded as the minimum acceptable. On this basis, and even taking into account occasions the Street Hub may be used by someone standing to its side, the remaining pavement width would be in excess of minimum standards, including for those with disabilities. I therefore find this to be acceptable.
15. A pedestrian desire line route between the dropped kerb to the west and a route behind the bus shelter to the east may be slightly impacted, especially if the Street Hub were in use, but this would be very similar to the need to avoid persons standing around the bus shelter at busy times. I do not find this to be unduly harmful.
16. Manual for Streets 2 requires street furniture benefits to be weighed against the disbenefits. Although the footway would be slightly more restricted than at present, the additional functionality of the Street Hub in being a more modern replacement of the existing unit, and its powered by renewable energy, does outweigh the slight disbenefit in this instance. The National Planning Policy Framework ('the Framework') (2024) paragraph 123 further states that Local Planning Authorities should not question the need for electronic communications system infrastructure. Overall I find no need to consider an alternative orientation or type of telecommunications or advertising provision.
17. The Council identified no harmful effect on vehicle traffic, and I see no reason to conclude differently, both from the evidence put to me and from my site visit observations.
18. The proposal would therefore not harm public safety with regard to highway safety. For both appeals, but only insofar as relevant in relation to Appeal B, the proposal would comply with the relevant aspects of the LP Policies INF3 and DC6, whereby in combination there should be no unacceptable harm to pedestrian movement or the satisfactory functioning of the highway.

Other Matters

19. The appellant suggests several benefits from the upgraded electronic communications infrastructure, alongside the advertising. This includes replacing and rationalising the existing payphone network including that directly adjacent, 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. Street Hubs are powered entirely by renewable energy and are regularly maintained, and funded by their advertising.
20. With relation to Appeal A, I take these benefits into account. Paragraph 119 of the Framework 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 provides some support for the installation of existing and emerging telecommunications technology, to improve the connectivity of the population. However, the proposal's limited scale in turn indicates that these benefits are all limited, with no specific local need identified.
21. 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 Planning Practice Guidance, 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.
22. Both main parties have referenced other Street Hub appeal decisions from different local authority areas. I have not found those examples to be directly comparable in coming to my decision, for which planning judgement is required, as they do not reflect the specific physical or development plan context of the appeal site as I have described above.

Conclusion

23. Overall, I find that the benefits of the Street Hub identified above would not outweigh the harm it would cause to the character and appearance and visual amenity of the streetscene.
24. The proposal under Appeal A would conflict with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that Appeal A is dismissed.
25. The display of the advertisements under Appeal B would be detrimental to the interests of visual amenity and public safety. For the reasons given above, I conclude that Appeal B is therefore dismissed.

L N Hughes

INSPECTOR