
Appeal Decisions

Site visit made on 18 November 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal A Ref: APP/K0750/W/25/3370230

5-11 Corporation Road, Middlesbrough TS1 1LJ

- 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 of In Focus Public Networks Limited against the decision of Middlesbrough Development Corporation.
 - The application Ref is 25/0041/FUL.
 - The development proposed is the installation of a multifunctional hub
 - hub with integral defibrillator and advertisement.
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Appeal B Ref: APP/K0750/H/25/3370241

5-11 Corporation Road, Middlesbrough TS1 1LJ

- 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 of In Focus Public Networks Limited against the decision of Middlesbrough Development Corporation.
 - The application Ref is 25/0042/ADV.
 - The advertisement proposed is the installation of a multifunctional communication hub with integral defibrillator and advertisement.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The two appeals are for related proposals on the same site. I have considered each appeal on its individual merits, however, as they raise similar issues, I have combined both decisions into a single decision letter.
4. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) stipulate that control may be exercised only in the interests of amenity and public safety. Therefore, whilst the development plan policies referred to on the decision notice are not determinative, I have taken them into account where relevant.

Main Issues

5. The main issues in Appeal A are the effect of the proposal on the character and appearance of the area and the movement of pedestrians.
6. The main issues in Appeal B are the effect of the proposed advertisement on visual amenity and public safety.

Reasons

Character and appearance and amenity

7. The appeal site comprises an area of paving located in an area of public space in the main shopping area of Middlesbrough town centre. The surrounding area has a mix of uses and a commercial character which features a range of built form of varying appearance, including large scale and modern buildings. There is a variety of street furniture in the vicinity of the appeal site including road signs, lamp posts, bollards, street trees and block seating. Nevertheless, the surrounding area is currently an open and relatively uncluttered area of public realm.
8. The proposed hub would have a more open side profile and occupy a smaller footprint than a previous scheme for a kiosk that was dismissed at appeal¹ (the kiosk appeal) on a site proximate to the appeal site. However, due to its height and form with its various components including digital changing advertising display the hub would be a visually intrusive feature in the street scene. By reason of a combination of its height and width, which would be similar to the kiosk appeal, the hub would be a prominent structure in comparison to the existing street furniture in views on approach to the site in either direction along Corporation Road and on approach from Linthorpe Street and Newport Road. It would therefore weaken the open nature of the appeal site when viewed from numerous vantage points.
9. There are existing digital advertisement displays and a separate defibrillator nearby to the site. The proposed advertising screen would be modest in size and illuminated to recommended levels. Even though it would be seen in the context of other advertisements, the proposed illuminated advertisement would highlight the presence of the hub on approach from the west, exacerbating its visual intrusion. Furthermore, the addition of another digital advertisement display would result in an excessive number of digital advertisements within a relatively confined area of the town centre. The proposed advertisement would therefore have a cumulative negative effect on the visual amenity of the public realm.
10. The appeal site is not located within the historic environment and similar hubs and advertisements are a common feature in commercial areas. Nevertheless, this does not mean that the scheme would sit comfortably within its context. Controls for the operation of the advertisement would not overcome my above concerns and overall, the proposals would be contrary to the guidance within Middlesbrough's Urban Design Supplementary Planning Document (SPD) (2013) relating to well-designed public spaces which should be attractive and uncluttered.
11. To conclude on this main issue, in relation to Appeal A the proposal would have a harmful effect on the character and appearance of the area and would be in conflict with Policies CS5 and DC1 of the Middlesbrough Core Strategy (2008) (MCS) which, amongst other things, require high quality proposals that are visually well integrated.
12. Furthermore, I conclude that the proposed advertisement would harm visual amenity and therefore it would conflict with the above-mentioned policies.

Highway safety and public safety

¹ Appeal ref: APP/WO734/W/18/3209433

13. The hub and advertisement would be located on a wide pedestrianised paved area. Although a busy area of public realm, there would continue to be sufficient room for pedestrians to comfortably pass between the shop frontages and proposed hub structure, and to traverse Corporation Road in either direction. Furthermore, there would be sufficient space for pedestrians to comfortably pass those congregating at the proposed hub. Accordingly, the proposed additional street furniture would not make this section of the busy thoroughfare a more awkward area for pedestrians to negotiate, including for those that are sight impaired. Consequently, the proposal would not constrict the channel for movement in the surrounding public realm or cause inconvenience to users.
14. The appeal site is further away from the corner with Dundas Street and the pedestrian entrance to the Cleveland Shopping Centre than the kiosk appeal. As such, it would not have the same effect on the safe and efficient operation of this cross section of Corporation Road as the kiosk appeal scheme did. In any event, I have considered this appeal scheme on its own merits as is required of me.
15. Therefore, the proposed development would not be contrary to the provisions of Paragraph 117 of the National Planning Policy Framework (the Framework) that requires that development gives priority to pedestrian movements, addresses the needs of people with disabilities and reduced mobility, and creates places that are safe and minimise the scope for conflict. It would therefore not unacceptably effect highway safety, in accordance with Framework Paragraph 116.
16. This leads me to conclude that the proposal would not be harmful to the movement of pedestrians, and as such, it would be in accordance with MCS Policy D1 which includes a requirement that proposals have no effect on highway safety. It therefore follows that the proposed advertisement would not harm public safety.

Other Matters

17. Framework Paragraph 119 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The Framework also seeks to support the expansion of electronic communication networks. Incorporating the latest digital communication technology and in providing efficient, reliable and free to use public services the hub would therefore support the Government's aim of improving digital infrastructure which is a clear benefit of the proposal. A defibrillator would be provided as part of the hub, however there is an existing public defibrillator available a short distance away from the appeal site.
18. It is indicated that the advertising display could be used to connect the Local Planning Authority with the public through facilitating wayfinding and promoting initiatives. Nevertheless, there is no substantive evidence that the display would be likely to be used in this way and no mechanism to secure the display of public messages. In any event, matters not relating to amenity and public safety fall outside the scope of Appeal B, as defined in the Regulations.
19. While there would be benefits from the scheme, overall, given its scale as a single hub, the prevalent use of mobile phone technology and since there are other hubs and defibrillators across the town centre, this limits the weight I afford to these benefits, which in practical terms would be modest. As such, the benefits do not provide justification for allowing a scheme that would cause the harms identified under the main issues above.

Conclusion

20. In respect of Appeal A, while there would be no harm to the movement of pedestrians, my above findings with regard to character and appearance bring the proposal into conflict with the development plan, read as a whole. There are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it.
21. In respect of Appeal B, the proposed advertisement would not harm public safety, but it would be harmful to visual amenity.
22. For the reasons given above, and having regard to all other matters raised, I conclude that Appeal A should be dismissed, and Appeal B should be dismissed.

F Harrison

INSPECTOR