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## 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

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### **Appeal A Ref: APP/K0750/W/25/3370234**

#### **88-90 Linthorpe Road, Middlesbrough TS1 2JZ**

- 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 25/0037/FUL.
  - The development proposed is the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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### **Appeal B Ref: APP/K0750/H/25/3370242**

#### **88-90 Linthorpe Road, Middlesbrough TS1 2JZ**

- 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 25/0038/ADV.
  - The advertisement proposed is the installation of a multifunctional communication hub with integral defibrillator and the display of an 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. Linthorpe Road is a pedestrianised thoroughfare in Middlesbrough town centre. The appeal site comprises an area of paving in front of a retail unit that is part of the Cleveland Shopping Centre. The surrounding area has a mix of uses and a commercial character which features a variety of built form of differing appearance, including large scale and modern buildings.
8. In the vicinity of the appeal site, Linthorpe Road has numerous items of street furniture including benches, bins, wayfinding signs, and street trees and planters. As such, street furniture features prominently in the street scene including proximate to the appeal site. Nonetheless, owing to the scale of the street furniture there is a sense of openness to the public realm with views up and down the street.
9. The proposed hub would be aligned with the nearby street furniture and would have a more open side profile and occupy a smaller footprint than a previous scheme for a kiosk that was dismissed at appeal<sup>1</sup> (the kiosk appeal). However, due to the height and form of the proposed multifunctional communication hub (the hub) with its various components including digital changing advertising display it 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 in either direction. In these views, the buildings fronting the road would not provide a backdrop to the proposal and so would not help to assimilate the hub into its surroundings.
10. For these reasons, and even though the proposal's modern appearance would reflect that of the surrounding area, the hub would not integrate well within the public realm. Despite its linear position, it would contribute further street clutter in this section of Linthorpe Road and would reduce visual permeability up and down the street because of its height and width. In partially interrupting the existing generally clear vistas in either direction along the street the hub would detract from the surroundings and harmfully diminish the character and appearance of the area.
11. An existing free standing illuminated advertisement and separate defibrillator lies to the north of the appeal site, and a free-standing illuminated advertisement to the south. 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 north, 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.
12. 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

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<sup>1</sup> Appeal ref: APPK0750/W/25/3370234

Urban Design Supplementary Planning Document (SPD) (2013) relating to well-designed public spaces which should be attractive and uncluttered.

13. 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.
14. Furthermore, I conclude that the proposed advertisement would harm visual amenity and therefore it would conflict with the above-mentioned policies.

*Movement of pedestrians and public safety*

15. Linthorpe Road forms part of the primary shopping frontage of the town centre and is a strategic pedestrian thoroughfare with shops on either side. The appeal site is proximate to the junction with Gilkes Street, another shopping street that provides a pedestrian link to the bus station.
16. While Linthorpe Road is not unduly narrow the addition of another item of street furniture would, nevertheless, make this section of the busy thoroughfare a more awkward area for pedestrians to negotiate. The proposed hub would not be located within a central position in the street and would have a modest footprint, however I share the view of the Inspector in the kiosk appeal that because of the appeal site's linear location relative to the existing line of street furniture, it would reduce a gap that currently allows free pedestrian cross-movement.
17. Notwithstanding that the proposed hub has a more open design than the kiosk appeal scheme, it would have a projecting canopy and when the hub was in use there would be users congregating around it which would diminish the existing good sightlines from one side of the street to the other. In particular it would and interfere with pedestrian cross movement desire lines between Linthorpe Road and Gilkes Street which at busy times would cause an inconvenience to shoppers and could be hazardous for those with disabilities. It would therefore create an obstacle and reduce the coherence of the pedestrian routes in the area.
18. Consequently, the proposed development would have an unacceptable impact on highway safety, and would not give priority to pedestrian movements, address the needs of people with disabilities and reduced mobility, or create places that are safe and minimise the scope for conflict, as required by Paragraph 116 and 117 of the National Planning Policy Framework (the Framework).
19. All advertisements are intended to attract attention, and it is not disputed that the proposed advertisement would not obscure any road signs. However, it would have the potential to be a distraction to pedestrians on approach to it, which in combination with the physical structure of the hub that it would be affixed to would be detrimental to public safety. The imposition of conditions to control the illumination levels and changing of images of the proposed advertisement would not adequately address the harm to public safety because of the harmful effect of the advertisement's associated structure.
20. For these reasons, the proposal would harm the movement of pedestrians, and as such, it would be in conflict with MCS Policy D1 which includes a requirement that

proposals have no effect on highway safety. It therefore follows that the proposed advertisement would harm public safety.

### **Other Matters**

21. 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.
22. 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.
23. 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**

24. In respect of Appeal A, my above findings 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.
25. In respect of Appeal B, the proposed advertisement would harm visual amenity and public safety.
26. 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