



---

## Appeal Decision

Site visit made on 5 November 2025

**by K Reeves BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 31 December 2025**

---

### **Appeal Ref: 6000546**

#### **Pavement near Waitrose, Stockbridge Road, Weeke, Winchester SO22 6EW**

- 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 BT Telecommunications Plc against the decision of Winchester City Council.
  - The application Ref is 25/00907/FUL.
  - The development proposed is installation of 1no. BT Street Hub unit and removal of associated BT payphone kiosk(s).
- 

### **Appeal Ref: APP/L1765/Z/25/3371378**

#### **Pavement near Waitrose, Stockbridge Road, Weeke, Winchester SO22 6EW**

- 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 Telecommunications Plc against the decision of Winchester City Council.
  - The application Ref is 25/00908/AVC.
  - The advertisement proposed is installation of 1no. BT Street Hub unit and removal of associated BT payphone kiosk(s).
- 

### **Decision**

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

### **Preliminary Matters**

3. The descriptions of development as set out above include reference to proposed BT phone kiosk removal, although those structures are not identified within the application site boundary and there is no alternative mechanism before me which would secure their removal. As they are not located within the immediate vicinity of the appeal site, their removal would not be determinative to the appeals.
4. Appeal A seeks planning permission for the installation of a BT Street Hub, while Appeal B concerns the associated application for advertisement consent. As both appeals relate to the same site and proposal, I have considered them together to avoid unnecessary duplication.
5. With respect to Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) specify that decisions must be based solely on considerations of amenity and public safety.

## Main Issues

6. The main issues in respect of Appeal A are the effect of the proposal upon (a) the character and appearance of the area; (b) pedestrian safety; and (c) the living conditions of occupiers of neighbouring properties, having regard to noise.
7. The main issues in respect of Appeal B are the effect of the proposed advertisements on (a) the amenity of the area; and (b) public safety.

## Reasons

### *Character and appearance / amenity*

8. The appeal site is situated close to the commercial centre around Stoney Lane, which comprises a row of commercial units with residential accommodation above, together with a substantial commercial building opposite that accommodates several businesses, including a supermarket. From Stockbridge Road, the proposed Street Hub would be perceived within the context of these commercial premises. However, the location also forms part of a transitional area, where the prevailing character shifts from commercial activity to residential use.
9. Although the Street Hub would be read partly within the commercial character of Stoney Lane, it would nonetheless introduce a new vertical and visually assertive element into the streetscape. Its design would relate more closely to the modern appearance of the large commercial building containing the supermarket, yet its scale and contemporary form would contrast with the more traditional shopfronts opposite, drawing attention and disrupting the established rhythm of that frontage.
10. Insofar as the Street Hub would align with existing commercial activity, its impact would be less pronounced. Nevertheless, because the site lies at the point where the character shifts towards residential use, the installation would heighten the sense of intrusion into a quieter, more domestic environment. The transition from commercial to residential is currently legible in the change of building form and activity, and the addition of a conspicuous item of street furniture risks blurring that distinction and eroding the softer residential character.
11. Taken as a whole, the Street Hub would not be entirely out of place within the commercial setting. However, its siting within of the transitional area means that it would exert a noticeable influence on the character and appearance of the locality, introducing a discordant feature at a sensitive point where the townscape changes.
12. The appellant has drawn my attention to the BT phone kiosk that previously stood in close proximity to the proposed development and that it had a larger ground footprint than the Street Hub. However, the Hub's height, illuminated digital displays and monolithic form would give it a more conspicuous presence in the streetscene. As such, the reduction in ground coverage does not equate to a reduction in visual impact. The overall massing and vertical emphasis of the Hub would increase its prominence relative to the former kiosk.
13. In any event, the phone kiosk has already been removed and no longer forms part of the streetscape. As such, its removal has altered the context of the site, and the presence of the former kiosk cannot reasonably be relied upon to justify the introduction of a new, visually prominent installation in this location.

14. For these reasons, with regard to Appeal A, the proposal would cause unacceptable harm to the character and appearance of the area. Consequently, it conflicts with Policy CP13 of the Winchester District Local Plan Part 1 2013 (LPP1) and Policies WIN1, DM15, DM16, DM17 and DM34 of the Winchester District Local Plan Part 2 2017 (LPP2), which collectively require, in part, that development is of high quality design, respects and enhances the distinctive character of Winchester and its surroundings, and integrates appropriately with the scale, form and appearance of existing buildings and spaces.
15. In relation to Appeal B, and in accordance with the relevant Regulations, I have considered the provisions of the development plan to the extent that they are applicable. The aforementioned policies are therefore material considerations in this context. The proposal would have an unacceptable harmful impact on the amenity of the area and would not meet with the objectives of the above policies.

*Pedestrian and public safety*

16. The Highway Authority objects on the grounds that Stockbridge Road is identified as a primary cycle route within the City of Winchester Local Cycling and Walking Infrastructure Plan, and that the proposed Street Hub would obstruct the free flow of bicycles. However, the appellant's photographic evidence shows that the marked cycle lane on the northern footway terminates before the appeal site, after which cyclists are directed to rejoin the carriageway. No dedicated cycle lane appears to continue past the proposed location.
17. Whilst Stockbridge Road is designated as a strategic corridor in policy terms, the physical extent of the cycle facility does not extend to the appeal site. The Street Hub would therefore not obstruct a marked cycle facility or reduce the width of a designated cycle track. Furthermore, as there is no dedicated cycle lane on this section of the pavement, the reduced width would not give rise to conflict between pedestrians and cyclists.
18. Although the installation would result in some reduction in pavement width, the open character of this section ensures ample space for pedestrian movement, including wheelchair and pram users. The retained width of the pavement would provide sufficient space to allow safe pedestrian movements without conflict or displacement into the carriageway. Furthermore, the Street Hub's position on the inside of the pavement would not compromise sightlines or obstruct visually impaired users. On the evidence before me, the proposal would maintain safe movement for disabled people and would not materially impede their ability to navigate the public realm.
19. The Council has suggested that the Street Hub could compromise public safety by acting as a focus for criminal activity. However, I have no compelling evidence before me to substantiate this claim. The site occupies a well-lit location adjacent to a busy commercial area, where natural surveillance from passing pedestrians and nearby activity is high. In such circumstances, the likelihood of the Street Hub creating an environment conducive to crime is limited. I am therefore not persuaded that the proposal would materially compromise public safety or place members of the public at greater risk.
20. For these reasons, with regard to Appeal A, the proposal would not cause material harm to pedestrian safety. Consequently, it complies with Policy DS1 of the LPP1 and Policies DM17 and DM34 of the LPP2, insofar as they require development to

safeguard pedestrian and public safety by ensuring layouts provide safe, accessible movement, avoid hazards or obstruction, and incorporate measures that protect amenity and minimise opportunities for crime or anti-social behaviour. The proposal also does not conflict with Hampshire County Council's Local Transport Plan 4, which, amongst other things, seeks to develop a transport system that is safe to use.

21. In relation to Appeal B, and in accordance with the relevant Regulations, I have considered the provisions of the development plan to the extent that they are applicable. The aforementioned policies are therefore material considerations in this context. The proposal would not have a harmful impact on public safety and would meet with the objectives of the above policies.

#### *Living conditions*

22. The appeal site is near residential flats that are situated above the nearby commercial units and benefit from rear garden areas. I observed that the commercial premises along Stoney Lane predominantly consist of eateries, several of which provide outdoor seating adjacent to the pavement.
23. The appellant has submitted a Noise Management Plan detailing the operational parameters of the proposed Street Hub. Compliance with this document could be secured through the imposition of an appropriately worded planning condition. During my site visit, I noted that background noise levels in the vicinity were already substantial. These included the near-continuous sound of traffic along Stockbridge Road, as well as noise generated by people accessing the commercial area of Stoney Lane. Moreover, the presence of outdoor seating and takeaway activity associated with the nearby eateries are likely to contribute further to the ambient soundscape.
24. Considering these observations, and subject to adherence with the Noise Management Plan, noise arising from users interacting with the proposed Street Hub would be unlikely to be perceptible above the general background activity that characterises this location.
25. I have also taken into account the comments of the Hampshire and Isle of Wight Designing Out Crime Officer, who raised concerns that the Street Hub could attract anti-social behaviour or be misused for criminal purposes. However, I note the measures set out in the BT Street Hub Anti-Social Behaviour Management Plan, including call restrictions, the disabling of the USB port and the prioritisation of police contact through its algorithm. With the imposition of an appropriate planning condition, these safeguards would reduce the risk of criminal misuse to an acceptable level.
26. For these reasons, the proposed development would not cause unacceptable harm to the living conditions of occupiers of neighbouring properties, having regard to noise and anti-social behaviour. Consequently, the Appeal A proposal complies with Policies DM17 and DM20 of the LPP2, insofar as they require that development safeguards amenity by avoiding unacceptable noise or disturbance, while also being designed to minimise opportunities for crime and anti-social behaviour.

## Planning Balance and Conclusion

27. The National Planning Policy Framework (the Framework) indicates that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social wellbeing. The Framework also seeks to support the expansion of electronic communications networks.
28. The proposed Street Hub is intended to operate using renewable energy sources, including solar power, and would deliver a suite of essential digital services. These include free public Wi-Fi, telephone access, emergency contact functionality, and environmental monitoring. The unit incorporates features that support digital inclusion, such as real-time connectivity tools and an emergency service button. Its interactive displays also offer potential for use by the Council and emergency services to convey public service announcements. Furthermore, the structure is designed to accommodate future deployment of 5G infrastructure, subject to operator requirements, thereby increasing its long-term value to the community.
29. Whilst these features present potential public benefits, it has not been demonstrated that they could not be delivered through alternative means or in a more appropriate location. In addition, the proposed 5G capability remains speculative, with no certainty that such functionality will be implemented.
30. With respect to Appeal B, even if the structure supporting the advertisements contributes to wider public benefits through improved communications infrastructure, such considerations fall outside the scope of the Regulations. Likewise, although the advertisements may include public awareness messaging, the specific content of such messaging is not material to the determination of this appeal.
31. The proposal refers to the removal of existing BT phone kiosks. However, this aspect is not determinative in the context of the appeals. The application documents confirm that the kiosks are neither adjacent to the appeal site nor included within the defined site boundary. Moreover, no enforceable mechanism has been provided to secure their removal. Accordingly, this consideration is afforded limited weight in the overall assessment.
32. For the reasons outlined above, the proposal would result in unacceptable harm to the character, appearance, and overall amenity of the area. As such, the scheme would also conflict with the development plan when read as a whole. While the proposal offers certain public benefits, these are not sufficient to outweigh the identified harms. I therefore conclude that both Appeals A and B should be dismissed.

*K Reeves*

INSPECTOR