



Appeal Decisions

Site visit made on 25 November 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 09 January 2026

Appeal A Ref: APP/A1530/W/25/3366221

Pavement outside 122 High Street, Colchester, Essex CO1 1SZ

- 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, In Focus Public Networks Limited, against the decision of Colchester City Council.
 - The application Ref. is 250542.
 - The development proposed is the installation of a freestanding communication hub with integral defibrillator.
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Appeal B Ref: APP/A1530/H/25/3366227

Pavement outside 122 High Street, Colchester, Essex CO1 1SZ

- 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, In Focus Public Networks Limited, against the decision of Colchester City Council.
 - The application Ref. is 250543.
 - The advertisement proposed is the display of a single illuminated sequential advertisement display.
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Decision

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. As set out above, there are two appeals on this site. One for the installation of the communication hub itself and the other for the advertisement screen which is integrated within it. However, to avoid duplication I have dealt with the two appeals together, except where otherwise indicated. In the banner heading above, I have used the address given in the appellant's appeal form as this more accurately identifies the appeal site.
3. The description of development in the application forms mentions that the communication hub would be installed following the removal of an existing communication apparatus. However, although the appellant's appeal forms do not say that the description of development has changed from that stated on the application form, the appeal forms do not refer to existing communication apparatus. Nor do the accompanying details or photographs appear to show this. In the banner heading above, I have therefore used the description of development provided in the appellant's appeal forms as this more accurately describes the existing site conditions. The appellant refers to several planning approvals for digital adverts associated with nearby bus stops within High Street. At my visit

these appeared to have been installed, and I have taken these into account in my decision.

4. On site, I saw that a bus shelter incorporating a digital advertising display had been installed in the approximate area of the appeal proposal which does not appear to have been referred to by either party and is not shown on the appellant's plans or photomontages. Although I have sought clarification regarding this bus shelter from the parties, it is still unclear to me whether it has been authorised. In the absence of this clarification, I will consider the appeal proposal as presented by both parties without reference to this bus shelter. I will briefly consider any additional impacts relating to this bus shelter latterly in my decision.
5. I have a statutory duty under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 202 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Main Issues

6. The main issues for Appeal A are the effect of the proposed development on the character and appearance of the surrounding area, including its effect on designated heritage assets, and the effect on highway safety.
7. The main issues for Appeal B are the effect of the proposed advertisement on visual amenity and public safety.

Reasons

Character and appearance and amenity (Appeals A and B)

8. The appeal site is located within the High Street which has a mainly retail and commercial character with mixed uses above. The proposed hub would be sited on a relatively wide pavement with retail units immediately to the rear. The unit would be free-standing and located close to the kerb at the edge of the pavement with a pedestrian crossing nearby.
9. The appeal site is within the Colchester Area 1 Conservation Area. The evidence before me indicates that this includes the historic core of the city taking in the historic walled town and traditional buildings and is based on a medieval street pattern. In relation to this appeal, the significance of the conservation area is mainly drawn from the range of built development within it, and the relationship of the buildings to each other and the spaces around them. The range of historic buildings and their detailing, including traditional shopfronts, contributes to that significance. This significance can be appreciated in the long, open views along the street which are punctuated by landmark buildings such as the Town Hall, and other attractive period buildings.
10. The appeal site is within a central position within the High Street with a mix of both modern and historic buildings in the immediate vicinity. The Council mentions that the site is near to numerous locally listed and listed buildings but has provided little information to explain their locations, significance or the likely effect of the proposal

on them. However, they have provided several list descriptions of listed buildings lying to the west of the appeal site which include the Grade I listed Town Hall, which is an eye-catching landmark building in an exceptionally rich design in free classical style. Grade II listed No. 45-47 is a three storey, timber framed building of 16th century origin. The Former Hippodrome Theatre is Grade II listed and dates from the early 20th century, built in an Edwardian Baroque style. The Red Lion Hotel is a Grade I listed building dating from the late 15th century and was originally a house and later an inn. The Bay and Say Public House is listed Grade II, dates from the early 20th century and is in the Baroque style. In relation to all these buildings, their significance is derived, at least in part, from their architectural details and their status as good examples of historic buildings of their age and type. In relation to the Grade I listed buildings, the Framework describes them as being of the highest significance.

11. Although I have been provided with little information relating to other listed buildings or locally listed buildings, it is clear to me that the appeal site is within a townscape of significant heritage interest, both to the east and west. Given the width and straightness of the High Street, long views contribute to how these assets are appreciated and this setting makes a positive contribution to their significance.
12. The immediate area around the appeal site is a relatively uncluttered section of pavement with the pedestrian crossing being the most prominent feature. A little further away, on either side of the appeal site are two bus shelters, which include double sided, digital advertisements to one end. I saw that both in the daytime and after dark, these digital displays with their coloured imagery and changing images, have a dramatic and striking impact on the streetscape, drawing the eye. I also saw a separate digital sign mainly showing bus departure information close to one of these shelters. In the general area, I also saw at least one further bus stop with a digital display, as well as more typical street lighting and furniture, road signs and shop signage.
13. The proposed development, described as a hub, would comprise a fairly large, rectangular structure sited at right angles to the buildings. On one side the structure would provide public communication facilities as well as an emergency call button and a defibrillator. The other side would display internally illuminated, static LCD advertisements that automatically change.
14. In relation to Appeal A and B, the overall significant dimensions and solidity of the hub, including its bulky canopy, would give it an undue prominence in a largely uncluttered area. It would be prominently seen from many positions within the street and in close visual association with several listed buildings. Although it would be seen in conjunction with the bus departure sign and bus shelters nearby, it would add yet more clutter to the streetscape without seemingly needing to be there. The advert may face away from the Town Hall and the other listed buildings that I have mentioned, but nevertheless, it would still be seen in conjunction with a significant number of other historic buildings lying to the east within the conservation area. It may be directly alongside more modern buildings and shopfronts but that is just part of the wider streetscape within which it would be viewed which has a high concentration of historic buildings. Furthermore, although the area may be considered a thriving commercial street, it would add to the digital imagery already present and cumulatively another, large digital advertisement would erode the extent to which the streetscape contributes to the significance of heritage assets. Therefore, in relation to Appeals A and B, the proposal, by virtue

of its size, solidity, position and appearance would be an incongruous, visual distraction and a harmful and dominant addition to the street scene.

15. In relation to Appeal B, the proposed internally illuminated advert with its typically high-resolution imagery, vibrant colours and changing images would be designed to attract attention. It would therefore increase the visual dominance of the structure in this open position. Even with measures to help mitigate the potential visual impact, including light sensors, and controls to secure brightness, the digital display would be highly conspicuous. It would also draw attention away from the positive aspects of the listed buildings and the wider conservation area that I have identified. Therefore, a further digital advertisement within the street scene would compromise the ability to understand and experience the significance of the designated heritage assets.
16. With regard to Appeal A, as I have found harm to designated heritage assets, the proposal would not meet the expectations of the Act. Paragraph 212 of the Framework advises that when considering the impact of proposals on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through development within the setting of a designated heritage asset, and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage assets, in the language of the Framework, to be at the lower end of less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. The Framework requires this harm to be weighed against the public benefits of the proposal.
17. The appellant states that the solar powered unit would provide a communications hub including a free payphone, emergency call facility, device charging, wi-fi and interactive maps with transport updates and a defibrillator. Furthermore, it is stated that the advertisements would provide some community messaging or local safety campaigns.
18. Whilst there would undoubtedly be worthwhile public benefits arising from the proposal, it is not clear to me what similar provision is currently available in the area or the anticipated level of demand. Nor is it adequately explained why it should be in this location. Therefore, based on the information before me, I attribute them limited weight. I conclude that the overall limited weight that I attribute to the public benefits would be insufficient to outweigh the level of harm to designated heritage assets, which collectively I consider to be significant and to which I attach great weight. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets. As such, the proposal would not comply with the Framework.
19. In relation to Appeal A, the proposed development would have a harmful effect on the character and appearance of the surrounding area including the conservation area and the setting of nearby listed buildings. It would therefore conflict with Policies SP7 of the Colchester Borough Local Plan, Section 1 (2021) and Policies DM15 and DM16 of the Colchester Borough Local Plan, Section 2 (2022) (LP2), which amongst other things requires development to respect and enhance the character of the site and its context. There is also conflict with the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

20. In relation to Appeal B, the proposed advertisement would harm visual amenity. As this harm would significantly and demonstrably outweigh the benefits of the proposal, it would conflict with the Framework and The Town and Country (Control of Advertisements) (England) Regulations 2007 (as amended). I have considered the above Development Plan policies to the extent permitted by the Framework which limits assessment of advertisements to visual amenity and public safety.

Public Safety (Appeals A and B)

21. The Council considers that the appeal proposal would impede the flow of pedestrians by reducing the space available, especially for those with limited mobility.
22. Whilst the pavement is relatively wide in the location of the appeal proposal, the large structure would be positioned close to a public crossing. This siting is likely to impede views of this crossing, and it may limit the manoeuvring space for pedestrians to some extent. However, there is little evidence to suggest that this positioning would constitute a public safety concern. Pedestrians would be unlikely to step into the road to avoid it and the restriction in the width of the pavement would still appear to leave plenty of manoeuvring space, even at busy times. Furthermore, the Highways Authority appears not to have raised any objection to the proposal.
23. In the absence of any compelling evidence to the contrary, I consider that in relation to both appeals, the proposal would not harm the safety of those using the pavement or highway. Consequently, there would be no conflict with LP2 Policies DM20 and DM21 which seek to safeguard existing routes for walking and ensure safe passage of all highway users. It would also comply with the Framework's aim to achieve safe and accessible places.

Other Matters

24. For the avoidance of doubt, were I to take account of the bus stop incorporating a digital display currently erected close to the appeal proposal, the presence of an additional large structure and further vivid advertisement would exacerbate the visual harm that I have described. Furthermore, the appeal proposal, so close to the bus shelter, is likely to inconvenience pedestrians accessing that shelter, although I see little to suggest that this would be a risk to public safety. Therefore, were I to consider the proposal in the context of the extant bus shelter, my conclusions would remain the same.
25. Even if there was previously a communication apparatus on the appeal site, I have little information to understand what it looked like in order to draw any comparisons with the appeal proposal. Nor do I have full details of the reasons why this was removed. This therefore has little bearing on my decision and I have reached my view based on the details of the proposal and the circumstances observed on site.
26. The appellant has indicated that the Framework supports the roll out of digital infrastructure and that evidence from installed hubs in other areas shows that there is an appetite for their use. However, whilst some aspects of the proposal may be supported by national policy, this would not outweigh the harm that I have identified.

Conclusions

27. For the reasons given, and having regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that Appeal A and Appeal B should be dismissed.

G Bayliss

INSPECTOR