



Appeal Decisions

Site visit made on 5 January 2026

by **D Marley BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Appeal A Ref: APP/P4605/W/25/3375285

Footpath Outside 1896 Pershore Road, Kings Norton, Birmingham B30 3AS

- 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 Birmingham City Council.
 - The application Ref is 2025/04298/PA.
 - The development proposed is described on the application form as “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/P4605/H/25/3375286

Footpath Outside 1896 Pershore Road, Kings Norton, Birmingham B30 3AS

- 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 Verity Cheyne of BT Group PLC against the decision of Birmingham City Council.
 - The application Ref is 2025/04386/PA.
 - The advertisements proposed are described on the application form as “installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit”.
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Decisions

1. Appeal A is allowed and planning permission is granted for installation of 1No. BT street hub unit at Footpath Outside 1896 Pershore Road, Kings Norton, Birmingham B30 3AS in accordance with the terms of the application, Ref 2025/04298/PA, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev A, 002 Rev A, 003 Rev A, 004 Rev A and BT Street Hub Unit Dimensions.
2. Appeal B is allowed and express consent is granted for display of 2no. internally illuminated digital advertisement panels on BT street hub unit at Footpath Outside 1896 Pershore Road, Kings Norton, Birmingham B30 3AS, in accordance with the terms of the application 2025/04386/PA. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations, and the following additional conditions:
 1. In daylight hours, the advertisements display luminance shall be controlled in order to reflect ambient light conditions, and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5

within the Institute of Lighting Professionals – Professional Lighting Guidance (PLG 05/2023) ‘The Brightness of Illuminated Advertisements including Digital Displays’ (or its equivalent in a replacement guide) in cd/m2.

2. In the hours of darkness, the advertisements display luminance shall be no greater than 300 cd/m2.
3. The rate of content change of the advertisements permitted by this consent shall be limited to no more than once every 10 seconds. The time interval between changes of content shall be no greater than 0.1 seconds with no fading, swiping or other animated transition methods between successive displays.
4. The illumination of the advertisements permitted by this consent shall not be flashing or be otherwise intermittently illuminated, and the advertisements permitted by the consent shall not display any moving, or apparently moving, images.

Preliminary Matters

3. The two appeals relate to the refusal of planning permission for the proposed communications hub (Appeal A) and the refusal of advertisement consent for the integrated advertisements (Appeal B). I have considered each appeal on its own individual merits, however, given the integral nature of the advertisements to the communications hub and the similarity between the reasons for refusal, it is appropriate to consider both appeals in a single decision letter.
4. In relation to Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 identifies that the power to control advertisements may be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
5. I have taken the site address from the information set out within the application form and decision notice, as together I consider this accurately describes the site.
6. In respect of both Appeal A and Appeal B, I have used the Council’s description of development and description of proposed advertisements in my formal decision, as this more accurately describes the proposals for which planning permission and advertisement consent are respectively sought. These do not fundamentally change the proposals subject of the appeals. I am therefore satisfied that neither party would be prejudiced by my use of them.

Main Issue

7. The Council does not object to the siting of the advertisements on public safety grounds and following my site visit I see no reason to disagree.
8. The main issue therefore is the effect of Appeal A and Appeal B on the character and appearance / visual amenity of the area.

Reasons

9. The appeal site is located on a relatively wide section of footway at the intersection of a number of commercial streets. The appeal site is near a wide variety of different shop fronts and associated signage. There are a number of items of street

furniture in close proximity to the appeal site including railings, bicycle stands, a lamp post, road signage and bollards. Further distant are additional items of street furniture including a number of bus stops and digital and static advertisements.

10. The proposed development would introduce a communications hub constructed of galvanised steel with display panels, alongside the associated advertisements. The submitted information identifies that the advertisements would be 1.67 metres in height and 0.95 metres in width, and the height from the ground to the base of the advertisements would be 0.85 metres.
11. The width of the footway in proximity to the appeal site, and the distance of the communications hub from the surrounding buildings, is such that there is sufficient space available to accommodate the proposed development whilst maintaining a reasonable distance from the road, nearby buildings, traffic island, and other items of street furniture. Whilst there are items of existing street furniture in proximity to the site, these are not of such extent an additional item of street furniture would materially alter perceptions as to the extent of built development in the locality. In addition, the proposed advertisements would be located a reasonable distance from other nearby existing advertisements, and would be perceived independently from them, as part of the hub of which they form an integral part. As a result, neither the introduction of the hub nor the associated advertisements would result in an unacceptable effect due to visual clutter, nor result in a cramped appearance within the street scene, and would not therefore be harmful in this regard.
12. The communications hub would be visible within the streetscape, given its overall height and scale. Nevertheless, it would be perceived against a backdrop of both existing shop frontages and street furniture, some of which are of significant height and scale when compared to the appeal proposal. Given the modern design and materials used, the proposed development would not appear out of place when set against the presence of a wide variety of existing shop fronts and their varied signage. As a result, the proposed development would not appear harmful or out of place within the street scene, and would not adversely impact upon the local sense of place, nor adversely affect the visual experience of pedestrians using the footway.
13. I acknowledge the Council's statement that there is no telephone kiosk at the appeal site that would be directly replaced by the appeal proposals. Nevertheless, I have found that the appeal scheme would not be harmful with regards character and appearance and visual amenity in any case, and this matter therefore weighs neutrally in my determination of the appeal.
14. For the above reasons, in respect of Appeal A, the proposed development would not cause harm to the character and appearance of the area. The proposed development would comply with the relevant provisions of Policy PG3 of the Birmingham Development Plan 2017, and Policy DM2 of the Development Management in Birmingham Development Plan Document 2021. Amongst other matters, these policies require development proposals to be sympathetic to the character and appearance of the area and be appropriate to their location.
15. Similarly, on the basis of my reasoning in relation to the main issue, in respect of Appeal B the proposed advertisements would not cause harm to visual amenity. Although not determinative, the proposed advertisements would comply with the relevant provisions of Policy PG3 of the Birmingham Development Plan 2017, and

Policy DM7 of the Development Management in Birmingham Development Plan Document 2021 insofar as these require advertisement proposals to have no detrimental impact on amenity, to avoid clutter, to respond to site conditions, and to be sympathetic to the character and appearance of the area.

Other Matters

16. Whilst both parties reference other applications and appeals for similar communication hubs where planning permission or advertisement consent has been granted, on the evidence before me these are located a significant distance from the appeal site or in different towns and cities, and I cannot therefore draw a direct comparison between these proposals and those that are before me. I have made my determination based on the appeals' individual circumstances and as such these previous grants of permission and consent have weighed neutrally in my decision.

Conditions

17. Both parties have recommended a number of planning conditions to be imposed in the event that the appeals are allowed. I have assessed the suggested conditions with reference to the advice in the National Planning Policy Framework (the 'Framework') and Planning Practice Guidance. I have amended the wording of some, and combined provisions of others, without altering their fundamental aims. I have additionally had regard to the five standard conditions set out in the Regulations, and have not duplicated proposed conditions by either party which seek an equivalent aim.
18. In respect of Appeal A, alongside the standard time limit condition in the interests of certainty I have imposed a condition requiring that the development is carried out in accordance with the approved plans.
19. Whilst the appellant has proposed a condition requiring the removal of nearby payphones within three months of development commencement, as I have not found harm arising as a result of the proposed development, I do not consider such a condition to be necessary.
20. In respect of Appeal B, alongside the standard time period and standard conditions, I have imposed additional conditions to ensure that highway and public safety is not compromised. Specifically, it is necessary to control the level of illumination and the frequency of change of display of the proposed advertisements, and to restrict other visual effects that could cause distraction to drivers. I consider the conditions imposed to be sufficient to ensure public safety is not compromised in the event the device were to malfunction.
21. I have had regard to proposed conditions from each party specifying the maximum time interval for changes of content. On the evidence before me, I consider the Council's time interval for content changes to be necessary to ensure the proposed advertisements do not distract drivers and thus result in a risk to public safety. The appellant has also had the opportunity to comment on the Council's proposed conditions and has raised no objection on this matter.
22. I have also had regard to the luminance levels proposed by both parties, and my attention has been drawn to the guidance contained within the Institute of Lighting Professionals – Professional Lighting Guidance (PLG 05/2023) 'The Brightness of

Illuminated Advertisements including Digital Displays' (the 'Guidance'). I have imposed conditions with regards luminance in the interest of visual amenity and public safety. The night-time luminance proposed by the appellant exceeds that set out in the Guidance, and I have imposed a condition to limit the maximum night-time luminance in accordance with that proposed by the Council. As I do not have full details before me with regards ambient daytime illuminance, I have omitted reference to a specific candela for daytime luminance whilst requiring compliance with the relevant table set out within the Guidance to ensure the maximum luminance levels would be acceptable. It is not however necessary to specify the means by which ambient light conditions would be monitored.

23. Given the location of the proposed advertisements in proximity to a number of well-utilised vehicular routes, in the interest of public safety it is necessary and reasonable to, as proposed by the appellant, prevent the advertisements displaying moving images.
24. As express consent is granted for the proposed advertisements, it is not necessary to impose a condition requiring the proposed advertisements to be carried out in accordance with the approved plans.

Conclusion

25. Appeal A would accord with the development plan taken as a whole and there are no other material considerations to suggest that the decision should be made other than in accordance with it. Appeal B would not harm the visual amenity of the area. Therefore, for the reasons given above, both appeals should be allowed.

D Marley

INSPECTOR