
Appeal Decision

Site visit made on 27 January 2026

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Appeal A Ref: 6000870

Pavement on Old Cattle Market, Ipswich IP4 1AD

- 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 Simon Warner (BT Telecommunications Plc) against the decision of Ipswich Borough Council.
 - The application Ref is IP/25/00470/FUL.
 - The development proposed is the proposed installation of 1no. BT Street Hub and removal of associated existing BT payphone(s).
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Appeal Ref: APP/R3515/Z/25/3373987

Pavement on Old Cattle Market, Ipswich IP4 1AD

- 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 Simon Warner (BT Telecommunications Plc) against the decision of Ipswich Borough Council.
 - The application Ref is IP/25/00471/ADV.
 - The advertisement proposed is the proposed installation of 1no. BT Street Hub and removal of associated existing BT payphone(s).
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Decision Appeal A

1. The appeal is allowed and planning permission is granted for the installation of one BT Street Hub at Pavement on Old Cattle Market, Ipswich IP4 1AD in accordance with the terms of the application, ref IP/25/00470/FUL and subject to the conditions in the attached schedule.

Decision Appeal B

2. The appeal is allowed and express consent is granted for two digital 75-inch LCD display screens, one on each side of proposed Street Hub unit at Pavement on Old Cattle Market, Ipswich IP4 1AD. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) and the conditions in the attached schedule.

Preliminary Matters

3. As set out above, there are two appeals on this site. They differ only in that appeal A relates to planning permission and appeal B to express advertisement consent. Both appeals have been considered on their individual merits. However, as they raise similar issues, and to avoid duplication, they are addressed in a single decision, except where otherwise indicated.

4. In respect of appeal B, the Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. Regard does not need to be had to the development plan. Therefore, while I have taken relevant policies of the Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review (2022) (CS) into account as a material consideration, they have not been determinative.
5. The appeal site is located within the Ipswich Central Conservation Area (CA) and proximate to several listed buildings. Accordingly, in my consideration of these appeals I have been mindful of my statutory duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which require special regard be paid to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest which it possesses and special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. For advertisement appeals (appeal B) this is only relevant in so far as it relates to visual amenity.
6. I have used the descriptions from the respective application forms in the banner headings above. However, in my formal decision for appeal B I have amended the description to match the description used by the Council on the decision notice, as this more accurately describes the proposed advertisements.
7. Both descriptions refer to the removal of associated BT payphone(s). The Officer Report identifies the location of the existing payphones, east of the entrance to the bus station. However, these payphones are located outside of the red line boundary of the Site Location Plan, away from the appeal site and therefore do not form part of the land to which these appeal relate. I have no evidence before me that their removal could be secured through either a condition or planning obligation. Accordingly, any removal and consequential benefits have not been determinative in my assessment and have been omitted from the descriptions in my formal decisions.

Main Issues

8. For appeal A, the main issue is the effect of the proposed development on the character and appearance of the area, including the CA. For appeal B, the main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

9. The appeal site relates to a section of pavement on the Old Cattle Market, which is a historic area within the town centre, comprising a small central island with street furniture, seating and trees surrounded by buildings of varying scales in mostly retail and commercial uses. To the north of the appeal site is the Buttermarket shopping centre; a large, modern building which together with nearby facilities such as the bus station and various fascia signage on surrounding shops, cafes and drinking establishments provides a modern, commercial context which defines the character and appearance of the area.
10. The traffic island and nearby footways are relatively wide, and the surrounding area contains various street furniture including bus stops, litter bins, benches, lamp posts, street signs, planters, bicycle stands and a free-standing digital sign

with a defibrillator which was allowed at appeal¹ in August 2024 (the JCDecaux sign). At the time of my visit the area surrounding the appeal site was generally highly trafficked.

11. The site is also within the CA, which encompasses the city centre, and opposite the Buttermarket shopping centre are a number of Grade II listed buildings. Insofar as is relevant to this appeal, the significance of the CA derives from the medieval street network and varied historic buildings, including those in the vicinity of the appeal site. However, as the appeal site relates to a section of pavement within a modern traffic island surrounded by various street furniture, it makes a neutral contribution to the significance of the CA as a whole.
12. The proposed hub would be a freestanding structure with illuminated digital displays on both sides which would introduce an additional, modern element into the street scene in a prominent location. However, the hub would be sited amongst existing street furniture, on the side of the traffic island away from the listed buildings and set against the backdrop of the shopping centre. Accordingly, it would be viewed within the modern, commercial context of the immediate area and would assimilate well with its surroundings. Despite its positioning close to the edge of the traffic island, the hub would not appear dominating in comparison to the scale of surrounding buildings. Moreover, even when viewed against the backdrop of the listed buildings to the south, the contemporary design would not appear out of place with its surroundings, given the variety of colours and styles of some modern shopfronts, and more modern architecture in the area.
13. The appearance of the advertisement displays within the hub would not be unusual in this town centre environment and given their size, they would not appear prominent or incongruous when viewed against the scale of the buildings in the immediate vicinity. As there are other examples of illuminated signage and the street would be well-lit by regular streetlamps, the illumination of the advertisements would not appear out of place either.
14. The hub and signage would be seen alongside the JCDecaux sign on the opposite side of the street, both of which would display changing advertisements of varying content. However, in this specific case, due to the variation between the two designs, width of the highway and separation from other street furniture of a similar scale, simultaneous views of these similar structures would not result in unacceptable proliferation or clutter in the street scene, particularly in this commercial context. As such, the proposed hub would not be a harmful feature in this location and thus would not be detrimental to the character or appearance of the CA, the significance of which would be preserved.
15. Reference has been made to the effect of similar installations degrading the character and appearance of the street scene in nearby areas. However, I have limited information as to the locations of these installations and whether the circumstances are comparable to the appeals before. In any case, I have determined these appeals on their own merits.
16. For the above reasons, I conclude for appeal A that the proposed development would preserve the character and appearance of the area, including the CA. It therefore accords with Policies DM12, DM13 and DM34 of the CS insofar as they seek high-quality and reliable communications which preserve the historic

¹ Appeal References APP/R3515/W/24/3342261 & APP/R3515/H/24/3342262

environment and do not harm the appearance of the street scene, good public realm design and protection of the historic built environment. It would also accord with paragraph 135 of the Framework which requires developments to be sympathetic to local character.

17. Additionally, for appeal B, I conclude that the proposed advertisement would not have a harmful effect on the visual amenity of the area. I have taken into account Policies DM12, DM13 and DM26 of the CS and paragraph 135 of the Framework which, amongst other things, promote good design which responds to local character, protection of the historic environment and that advertisements preserve or enhance the character of their setting. Given that I have concluded that the proposal would not harm visual amenity, it does not conflict with these local and national policies.

Other Matters

18. The Council has referred to the proximity of the site to the Bluecoat Boy Public House (List Entry No: 1237240), Plough Inn (List Entry No: 1236650) and 37 and 37A Silent Street (List Entry No: 1265007) which are Grade II listed buildings positioned around the Old Cattle Market island. Insofar as is relevant to these appeals, as historic buildings of varying architectural character, their special interest and significance derive from their architectural and historic interest. However, notwithstanding the proximity of the appeal site to these buildings, as it relates to a section of pavement within a modern traffic island, it makes a neutral contribution to their settings.
19. The Council has not detailed any specific concerns in relation to the effect of the schemes on the significance of these listed buildings. Given the otherwise modern, commercial, town centre context of the surrounding area, degree of separation between the appeal scheme and the listed buildings and in light of my conclusions above, I see no reason to come to a different conclusion. I therefore find the appeal schemes would preserve the settings of these listed buildings, the significance of which would not be harmed.
20. Concerns have been raised in relation to the proximity of the proposed hub to the public highway. However, neither the Council nor the Highway Authority have raised any objection to the schemes in relation to public/highway safety and based on the evidence before me and my own observations, I see no reason to disagree. Concerns have also been raised regarding the safety of the hub, including the potential for anti-social behaviour. The appellant's Anti-Social Behaviour Management plan states that any misuse would be addressed once it is active in liaison with the police, other emergency services and local authorities, as required. However, comments received from Suffolk Constabulary require further details to ensure its safe operation and to mitigate the risk of anti-social behaviour which could be secured by a suitably worded condition.
21. Interested parties have also questioned the services provided by the hub and whether it provides a genuine public function. From the evidence before me the hub would provide a range of services and perform a public function. However, irrespective of this, I have not been directed to any policy requirement for the appellant to demonstrate a need for the proposal.

Conditions

22. The Council has suggested several conditions which I have considered against the Framework tests and Planning Practice Guidance. Where necessary, I have adjusted the wording in the interests of clarity and precision.
23. For Appeal A, in addition to the standard time-limit implementation condition, it is necessary to specify the approved plans in the interests of certainty. A condition is also imposed requiring submission and approval of further management plan details to ensure the safe operation of the hub and to mitigate the risk of any anti-social behaviour in accordance with the comments received from Suffolk Constabulary.
24. For Appeal B, in addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations, which are not repeated in the attached schedule, I have imposed conditions restricting the luminance of the advertisement, restricting the advertisements to static images and the frequency and nature of their changeover in the interests of amenity and public safety. In respect of luminance, I have referred to the relevant table in the Institute of Lighting Professionals – Professional Lighting Guidance (PLG 05 2015) ‘The Brightness of Illuminated Advertisements including Digital Displays’ in the interest of precision. I have also imposed conditions as suggested by the appellant to ensure the advertisements do not resemble traffic signs and to include a default freeze mechanism in the event of malfunction, for the same reasons. However, I have added the option to default to a black or blank screen in the event the advertisement display itself malfunctions.

Conclusion

25. For the reasons given above, I conclude that Appeal A and Appeal B should be allowed.

H Whitfield

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A

- 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 drawing nos: Site Location Maps 001 Rev. A, Proposed Site Plan 002 Rev. A, Existing and Proposed Elevations 003 Rev. A, Proposed BT Streethub Elevations 003 Rev. A.
- 3) Prior to the first use of the development hereby permitted, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of restrictions on the use of Wi-Fi, restrictions on charging capacity and incoming calls, the call charges that will apply and operation of the integral cameras. The Management Plan shall be implemented as approved and retained for the lifetime of the development.

Appeal B

- 1) In the hours of darkness, the advertisement display luminance shall be no greater than the recommended maximum nighttime luminance value set out in Table 10.4 within the Institute of Lighting Professionals – Professional Lighting Guidance (PLG 05 2015) ‘The Brightness of Illuminated Advertisements including Digital Displays’ (or its equivalent in a replacement guide) in cd/m².
- 2) In daylight hours, the advertisement 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 2015) ‘The Brightness of Illuminated Advertisements including Digital Displays’ (or its equivalent in a replacement guide) in cd/m².
- 3) The minimum display time for each advertisement shall be 10 seconds, and the advertisement display panels shall display static images only.
- 4) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect.
- 5) The advertisement digital display screens shall include a mechanism to default to a frozen advertisement or a blank or black screen in the event of any malfunction.
- 6) No content on the digital display screens shall resemble traffic signs, as defined in Section 64 of the Road Traffic Regulation Act 1984.

**** END OF SCHEDULE ****

