



Appeal Decision

Site visit made on 4 February 2026

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal A Ref:

Footpath outside 2 Westgate Street, Oakham LE15 6BH

- 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 Rutland County Council.
- The application Ref is 2025/1158/FUL.
- The development proposed is installation of 1 No. BT Street Hub Unit and associated advertisement panels on either side of the unit.

Appeal B Ref: APP/A2470/Z/25/3376099

Footpath outside 2 Westgate Street, Oakham LE15 6BH

- 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 Rutland County Council.
 - The application Ref is 2025/1159/ADV.
 - The development proposed is installation of 1 No. BT Street Hub Unit and associated advertisement panels on either side of the unit.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Appeal A concerns the refusal of planning permission to install a street hub unit. Appeal B concerns the refusal of express consent to display advertisements on the street hub as proposed under Appeal A. These appeals are intrinsically linked and raise similar issues. Therefore, I have combined both decisions into a single decision letter.

Main Issues

3. The main issues are the effect of the proposals in both appeals upon:
 - the character or appearance of the area, including the effect on the Oakham Conservation Area; and,
 - highway safety and operational efficiency;
4. With specific regard to Appeal A only, a further main issue is whether the nearby Silver Birch tree would be affected by the proposal.

Reasons

Character or appearance

5. The appeal site is located on High Street, on land located between Westgate Street and New Street. In this position, the appeal site is located next to the boundary of the Oakham Conservation Area (CA). The significance of the CA is derived largely from the architectural merit and layout of historic buildings through the main thoroughfare along Main Street. From Main Street, the settlement has expanded organically beyond this centre point of the CA along tight winding streets where a further appreciation of the architectural merit of the CA can be appreciated.
6. The appeal site occupies a transitional point along the High Street, where the presence of modern development becomes increasingly apparent. This includes the large retail store situated to the rear of the site and, at a short distance away, a petrol station. Despite this shift in character, views from the appeal site still encompass several historic buildings located within the CA. Positioned on Main Street and close to the CA boundary, the site also forms part of an important approach route into the CA. Taken together, these factors lead me to conclude that the appeal site makes a positive, albeit modest, contribution to the setting of the CA.
7. The proposal would sit near to a modern retail store, its adjacent shopping-trolley bay, and various items of contemporary street furniture, some of which already introduce modern elements into the streetscape. When considered in isolation and within this immediate context, the proposal would not appear out of place. However, when the wider context is taken into account, it becomes clear that, despite the presence of some modern features, the development would introduce a notable modern advertising screen that would be highly prominent in this location. Positioned along a principal route through the CA, its atypical and visually assertive form would be perceived as an incongruous addition within a streetscape where historic character is valued. The proposed development would therefore result in harm to the setting of the CA.
8. The appellant has referred to several appeal decisions in support of their case. However, the material before me consists only of brief extracts from those decisions. The full decisions and accompanying plans have not been provided. In the absence of this information, I am unable to fully understand the context or determine the extent to which those decisions are comparable to the circumstances of this appeal. Moreover, even if the complete evidence were available, I note that the cited appeal sites are located well outside the jurisdiction of Rutland County Council and its planning policies, which further limits their relevance. It is also fundamental that each appeal is determined on its own merits. Accordingly, this appeal has been assessed based on the specific evidence and circumstances before me.
9. To conclude on Appeal A, the proposed development would conflict with Policies CS19 and CS22 of the Rutland Core Strategy 2011 (CS), Policies SP15, SP16 and SP20 of the Rutland Site Allocations and Policies Development Plan Document 2014 (DPD) and Policies 2 and 6 of the Oakham and Barleythorpe Neighbourhood Plan 2022 (NP). Collectively, these policies seek to promote good design and conserve the quality and character of the historic environment.

10. With regard to Appeal B, I have taken the aforementioned policies into account, as these policies seek to promote good design and conserve the quality and character of the historic environment. They are therefore material in this case. The proposed development, as far as it is a material consideration for Appeal B, would be in conflict with Policies CS19 and CS22 of the CS, Policies SP15, SP16 and SP20 of the DPD and Policies 2 and 6 of the NP.

Highway safety and operational efficiency

11. The proposed development would be positioned along High Street, with the advertising screen oriented towards oncoming traffic. The site is also located near a pedestrian crossing. The evidence before me confirms that the speed limit along this section of High Street is 30mph. High Street itself runs on an approximate east to west alignment.
12. When travelling eastwards along High Street, the proposed hub would be positioned at a distance and angle where its visibility, particularly that of the advertising screen, would be limited, partly due to its location behind an existing tree. As a result, drivers approaching from this direction would be able to maintain focus on the road and on the nearby pedestrian crossing. When travelling westwards, the proposal would be closer to the driver's line of sight due to the direction of travel. However, the traffic lights controlling this approach are situated a notable distance before the appeal site. From a driver's perspective, these signals would command primary attention, with the proposed development positioned beyond this key point of focus. I therefore find no compelling evidence to suggest that the proposal would give rise to highway safety concerns.
13. I now turn to the matter of highway operational efficiency. The appeal proposal would be positioned between an existing bench, two planters, and an established tree. During my site visit, I also observed a trolley bay associated with the adjacent retail store near the proposed site location. In addition, a pedestrian crossing is situated nearby.
14. Located in this position, and taking account of the existing street furniture and infrastructure, the width of the pavement is already reduced, resulting in restricted pedestrian movement. The proposed development would add to this concentration of features, further constraining pedestrian circulation in this part of the public realm. Whilst I note the assertion of compliance with guidance on pavement widths by the appellant, these limitations would be particularly pronounced when pedestrians are waiting at the nearby crossing, and at a time when individuals are using the proposed street hub while others are moving east to west along the pavement. The presence of individuals travelling in different directions here would reduce the overall space available to pedestrians. The effect would be exacerbated for those using pushchairs or wheelchairs.
15. The appellant has again cited several appeal decisions in relation to this main issue. The information before me is limited to short extracts from each of these decisions. The full appeal decisions and their accompanying plans are not before me. Therefore, I am unable to determine the full relevance or the context of these decisions. Furthermore, even if such evidence was before me, I note the locations of these appeal sites which are significantly beyond the jurisdiction of Rutland County Council. Therefore, these decisions would be of limited relevance to this

appeal. It is also of paramount importance to note that every decision is made on its own merits and therefore, this appeal has been assessed accordingly.

16. To conclude collectively on both appeals insofar as it is a material consideration for Appeal B, the proposed development would conflict with Policy SP15 of the DPD. This policy requires development to make provision for safe access, particularly for pedestrians or wheelchair users.
17. The Council cite Policy 6 of the NP in their decision. However, this policy is specifically related to built and cultural heritage and character. As such, this policy is not immediately relevant to this main issue.

Trees

18. The appeal site lies in close proximity to a Silver Birch tree, which makes a positive contribution to an otherwise hard-landscaped and predominantly built-up street scene. Given this proximity and the overall height of the tree, there is potential for the proposed development to encroach upon the tree's root protection area. While it is suggested that the distance from the tree and the shallow nature of the proposed foundations would provide an adequate buffer, the submitted plans do not allow the foundation details to be verified. In the absence of this information, or an appropriate mitigation strategy, I am not satisfied that the proposal would safeguard the long-term health and longevity of the tree. Any harm to the tree would, in turn, have adverse implications for the character and appearance of the street scene.
19. The appellant suggests that, in these circumstances, a pre-commencement planning condition could be used to secure the necessary foundation details to ensure that the long-term health of the Silver Birch tree would not be harmed. I am satisfied that the use of such a condition would, in principle, be an appropriate mechanism to address this concern.
20. Overall, with specific regard to Appeal A only, subject to the imposition of an appropriately worded planning condition, the proposed development would not conflict with Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP22 of the DPD, or Policies 2 and 6 of the Neighbourhood Plan. As previously noted, these policies collectively seek to promote high-quality design and to conserve the character or appearance of the historic environment.

Other Matters

21. The appeal site is located within close distance of the Grade II listed British Legion Headquarters and the Grade II listed 72 to 78 High Street heritage assets. The Council note that owing to the separation distance between the appeal site and these assets, it is not considered the proposal would not pose a harm to the setting of these buildings. However, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the decision maker to have special regard to the desirability of preserving the building or its setting. In undertaking this duty, I also share the view that due to the separation distances between these assets and the proposed development, the settings of these heritage assets would be preserved.

Heritage Balance and Conclusion

22. The harm to the setting of the CA as a result of the proposed development would be less than substantial. The National Planning Policy Framework (the Framework) notes at Paragraph 215 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
23. The benefits of the proposed development are well versed within the appeal submission. It would provide free WIFI, access to public services, local wayfinding, device charging, emergency messaging, it would be powered by renewable energy, it would provide a certain number of free advertisement hours to the Council and local businesses, and would provide apparatus to monitor certain environmental conditions, amongst other things. Together, I assign moderate positive weight to these benefits.
24. The Framework makes clear at Paragraph 212 that great weight should be given to an assets conservation. In this case, the identified public benefits, taken together, do not outweigh the harm that would result to the character or appearance of the setting of the CA. In the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve or enhance the character or appearance of the CA. Accordingly, the scheme conflicts with the approach to heritage assets set out in Section 16 of the Framework. As such, the Framework does not lend support to the proposal.
25. I consider that the proposal conflicts with the development plan taken as a whole. Material considerations do not outweigh the conflict with the development plan. A decision should therefore be taken in accordance with it. For the reasons given above and considering all other matters raised, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR