



Appeal Decisions

Site visit made on 18 February 2026

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2026

Appeal A Ref: APP/C1055/W/25/3376514

Pavement outside the Derbion Shopping Centre, Albion Street, Derby DE1 2PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by In Focus Network Limited against the decision of Derby City Council.
 - The application Ref is 25/01478/FUL.
 - The development proposed is the installation of free-standing telephone apparatus with defibrillator.
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Appeal B Ref: APP/C1055/H/25/3376515

Pavement outside the Derbion Shopping Centre, Albion Street, Derby DE1 2PL

- 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 In Focus Network Limited against the decision of Derby City Council.
 - The application Ref is 25/01479/ADV.
 - The advertisement proposed is display of one internally illuminated free-standing sign.
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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. They differ only in that Appeal B is for advertisement consent for the illuminated advertisement. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The description of development as set out in the above banner heading has been taken from the Council's decision notice as this specifically refers to the proposed development in respect of both appeals.
4. Regulations to control advertisements may be exercised only in the interests of amenity and public safety. Although the reason for refusal in Appeal B refers to policies contained in the City of Derby Local Plan Review, 2006 (LPR) and City of Derby Local Plan-Part 1: Core Strategy, 2017 (CS), these are material considerations rather than being decisive in the determination of Appeal B.
5. There are a number of heritage assets in close proximity of the site including the City Centre Conservation Area (CA), Grade II listed Market Hall, and the locally listed Co-Operative Society building. I therefore have a duty under Sections S66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. It also requires special regard to be had to the desirability

of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have also had regard to paragraph 212 of the National Planning Policy Framework (the Framework) which explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. Paragraph 213 of the Framework goes on to explain that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 216 also explains that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In advertisement appeals this is only relevant in so far as it relates to amenity.

Main Issues

7. It is considered that the main issue for Appeal A is the effect of the proposed development on the character and appearance of the surrounding area, including whether it would preserve the setting of the CA, Grade II listed Market Hall, and the locally listed Co-Operative Society building.
8. For Appeal B, the assessment regarding public safety is not disputed and the main issue is therefore the effect of the proposed advertisement on amenity.

Reasons

Character and appearance

9. The appeal site relates to part of the footway towards the south-eastern end of Albion Street, in a position currently occupied by two bike hoops and a bin, and adjacent to two benches. The appeal site is situated in the city centre, and this section of Albion Street is commercial in character with a mixture of street furniture in the form of street lighting, refuse bins, cycle racks and benches.
10. The proposed development seeks planning permission for the installation of a communication hub to include various communications and monitoring functions, a defibrillator and an advertising display screen. The advertisement display is the subject of Appeal B.
11. The proposed development would be positioned in a prominent location in the middle of a pedestrianised shopping street close to the entrance of the Derbion Shopping Centre. It would be readily visible within the street scene and would be a solid vertical structure, which would have a height of 2.63 metres, a width of 1.33 metres and a depth of 0.91 metres. The advertising display would be on the north-west face having an area of 1.89 metres x 1.07 metres and the communications equipment and defibrillator would be on the opposite side.
12. The proposed communication hub structure, together with the internally illuminated digital advertisement panel, by reason of its size, scale, siting and design would be considerably bigger and bulkier than the existing street furniture around the site. It would have a significant visual presence in the street scene which would be unduly obtrusive in this specific location. It would have a cluttering effect on what is a

relatively narrow street with a strong sense of enclosure, detracting from the visual amenity of the surrounding area.

13. Although the display screen would only be visible when viewed from the north-west, the unit it would be attached to and intrinsically linked would be visible from all directions including from the southeast. Views from this direction include the CA, the Grade II listed Market Hall and the locally listed Co-Operative Society building which is a pleasing vista. These are designated for their historical and architectural merit, and I have had due regard to the listing description which sets out various elements of the buildings which are of merit. Given that the heritage assets are visible from views from the southeast, the proposed development would be positioned as to comprise a visual barrier that would detrimentally affect the setting and significance of these heritage assets. The separation distances are noted but this would not alter my findings as the assets are clearly visible from the southeast and I find that the proposed development would erode such views. I cannot therefore agree that the proposed development would not affect how the heritage assets are experienced or appreciated by the public.
14. Further to the above, the proposed advertisement would be internally illuminated which would, despite being in accordance with light guidance increase its overall visual prominence in this location. It would comprise a dominant addition and unnecessarily add to street clutter in the area, appearing as an obtrusive feature. Images contained within the appellant's Statement of Case show a large advertising sign on the entrance to the Derbion Shopping Centre although this was not in place at the time of my site visit. Notwithstanding, and whilst I appreciate that advertisements are commonplace, those nearby tend to be smaller in size and scale whilst being contained within a shop front. The proposed advertisement would be large in size, sited in the middle of the footway and be illuminated which would draw attention to the prominence of the structure itself.
15. In coming to such findings, I have had due regard to the scale and size of nearby buildings and the presence of shop frontages/street furniture, but this would not mean that the scheme would not be dominant in this particular location.
16. My attention has been drawn to a previous planning appeal¹ outside No 9 Albion Street. Whilst located in close proximity, its overall visibility in the street scene and its relationship with the nearby heritage assets is not directly comparable to the appeal before me and thus its overall impact is different. I appreciate that an alternative location is required due to access issues associated with the previously approved scheme. Discussions have also taken place with the Council regarding this. While the proposed development may resolve the access issues at that site, this would be to the detriment of the character and appearance of the surrounding area and setting of the CA, Grade II listed Market Hall, and the locally listed Co-Operative Society building which is unacceptable.
17. I therefore conclude that Appeal A would unacceptably harm the character and appearance of the surrounding area. It would fail to preserve the setting of the CA, Grade II listed Market Hall, and the locally listed Co-Operative Society building. This would result in less than substantial harm to the significance of these designated heritage assets whilst also harming the non-designated heritage asset.

¹
3346187 and 3346188

The prominence and scale of the proposed development, would result in the extent of harm being at the higher end of the spectrum.

18. Paragraph 215 of the Framework explains 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 including, where appropriate, securing its optimum viable use.
19. I acknowledge the benefits provided by expanded electronic communications networks, the various features of the communication hub and the defibrillator. I am also aware of the support set out in the Framework for high quality communications whilst noting smart city solutions, unit management plans, sustainability, and innovation matters. However, given the nature of the development, the extent to which these are beneficial are limited and would not outweigh the identified harm. In respect of Appeal B, this relates to advertisement consent only where the regulations require that I exercise my powers only with regard to amenity and public safety.
20. Taking the stated benefits of the proposal together, there would be a high level of less than substantial harm to the significance of the CA and Grade II listed Market Hall. The proposed development would also negatively affect the setting of the locally listed Co-Operative Society building. I am not persuaded there would be public benefits of sufficient magnitude to outweigh the great weight to the assets' conservation and the considerable importance and weight to this harm.
21. Appeal A would therefore be contrary to Sections S66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also be contrary to saved policies GD5, E18 and E19 of the LPR and policies CP3, CP4 and CP20 of the CS. Such policies together, amongst other matters, seek to make a positive contribution towards the character, distinctiveness and identity of our neighbourhoods. For the same reasons, Appeal A would also be contrary to Chapters 12 and 16 of the Framework relating to achieving well-designed places and conserving and enhancing the historic environment.
22. Given my findings above in terms of character and appearance matters, it is concluded that Appeal B would also harm amenity and would conflict with the above-mentioned policies as well as Policy E26 which specifically relates to advertisements.

Conclusion

23. The proposed development would unacceptably harm the character and appearance of the surrounding area. It would fail to preserve the setting of the CA, Grade II listed Market Hall, and the locally listed Co-Operative Society building. Accordingly, the proposed development would conflict with the development plan when considered as a whole as well as the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. There are no material considerations, either individually or in combination including the provisions of the Framework, that would outweigh the identified harm and associated plan conflict. I conclude that Appeal A and Appeal B are dismissed.

N Teasdale

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/C1055/W/25/3376514	IN FOCUS PUBLIC NETWORKS LIMITED
Appeal B	APP/C1055/H/25/3376515	IN FOCUS PUBLIC NETWORKS LIMITED