



Appeal Decisions

Site visit made on 6 January 2026

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2026

Appeal A Ref: APP/M4510/W/25/3375212

Pavement Outside of The University of Newcastle Upon Tyne, King's Gate, Barras Bridge, Newcastle upon Tyne NE1 7RU

- 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 Network Limited, against the decision of Newcastle Upon Tyne City Council.
- The application Ref is 2025/1012/01/DET.
- The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.

Appeal B Ref: APP/M4510/H/25/3375211

Pavement Outside of The University of Newcastle Upon Tyne, King's Gate, Barras Bridge Newcastle upon Tyne NE1 7RU

- 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 Network Limited, against the decision of Newcastle Upon Tyne City Council.
- The application Ref is 2025/1003/01/ADV.
- The advertisement proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The two appeals relate to the same proposal on the same site. Appeal A concerns the refusal of planning permission to erect a street hub unit (the hub). Appeal B concerns the refusal of express consent for an advertisement panel on one side of the hub. I have considered each appeal on its individual merits, however, as they raise similar issues, I have combined both decisions into a single decision letter.
4. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that decisions are made only in the interest of amenity and public safety. Therefore, while I have taken account of the development plan policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.

5. The appeal site is located within the setting of Grade I listed building War Memorial (The Response)¹. It also falls within the settings of the Grade II* listed buildings the Church of St Thomas² and the Civic Centre³ and the Grade II Listed and the Grade II Listed Claremont Buildings⁴. In determining Appeal A I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), to have special regard to the desirability of preserving the setting of these listed buildings.
6. The Council identified harm to the heritage assets detailed above within its delegated report. However, during the appeal the Council clarified its position that the scheme would only cause harm in specific in relation to the significance that the Claremont Buildings derives from its setting. This has informed the identified of the following main issues.

Main Issues

7. The main issues in respect of Appeal A are the effect of the proposal on:
 - the character and appearance of the area, with reference to the setting of the Claremont Buildings; and
 - highway safety.
8. While the Council's decision notice for the advertisement consent does not include a reason for refusal in respect of public safety, in view of the public safety issues raised in both parties' evidence this matter is also a main issue in Appeal B. Consequently, the main issues in respect of Appeal B are the effect of the proposed advertisement on amenity and public safety.

Reasons

Character, appearance and visual amenity

Character, appearance and significance of heritage assets

9. The appeal relates to a wide section of footway on Barras Bridge, which forms part of a redeveloped area of the public realm characterised by high quality uniform paving which gives the streetscape an open spacious quality. The appeal site is on a section of footway that lies in front of the contemporary King's gate university building and is adjacent to Barras Bridge, which is a main road, where there is a busy bus stop with a bus shelter that incorporates a digital advertisement display.
10. Whilst not shown on the submitted plans, other street furniture within the immediate vicinity of the appeal site includes lighting columns, several street trees, pedestrian crossings and a digital advertising hub, all of which are visible from the appeal site. These existing items of street furniture are currently well designed and spaced, with visual breaks between them. Furthermore, their layout ensures an attractive walking experience for pedestrians.
11. To the north of the appeal site is the listed 'Claremont Buildings' which was built as a set piece of separate retail and office spaces in 1895. It is constructed

¹ 1186201

² 1024952

³ 1242692

⁴ 1115598

from sandstone with an ornate and highly decorative exterior, each corner that faces Barras Bridge features a corbelled rounded bay topped with a copper dome. The eaves are formed of a pierced parapet broken by a series of dormers with uniquely shaped raised pediments each topped by a ball finial. These features are of architectural interest and collectively contribute to the significance of this heritage asset.

Effect of the proposal

12. The proposed installation would be an upstanding rectangular structure that would house features that provide free Wi-Fi, free UK calls, USB charging, access to emergency services, a defibrillator and other facilities. The hub would occupy a prominent position within the footway and would be relatively utilitarian in its appearance. Through a combination of both its height and width the hub would be a visually intrusive and bulky addition to this section of the footway.
13. Furthermore, its siting in an existing gap between an established street tree and a bus shelter would reduce and disrupt the spatial distance between existing street items, adding visual clutter and making this busy pedestrian route a less pleasing place to walk.
14. In view of the above, I find that the proposal would cause harm to the character and appearance of the area.
15. The above mentioned bulky and utilitarian appearance of the hub would harmfully juxtapose with the high quality architecture and detailing of the Claremont Building and would introduce an incongruous feature within its setting. Further its frequently changing digital screen would also be visible in the foreground when travelling from the south, thereby competing with the visual prominence of this building.
16. The proposal would therefore result in less than substantial harm, albeit at the lower end of the scale, to the significance that the 'Claremont Buildings' derives from its setting. Paragraph 213 of the Framework states that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification.

Public benefits

17. In view of the above, Paragraph 215 of the Framework requires that where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
18. In respect of Appeal A, paragraph 119 of the Framework states that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. The Framework also seeks to support the expansion of electronic communication networks. The hub would therefore support the Government's aim of improving digital infrastructure.
19. The proposal would include a defibrillator, free ultrafast wi-fi, access to public services, multiple accessibility options, a charging point, free phone calls, a direct emergency call button, community and emergency awareness messaging, a map of the city and environmental sensors to measure factors such as air quality. The hub would also provide improved 5G coverage to local

communities through the installation of small cell mobile connectivity providing faster and more reliable connection for calls and internet access, as well as free screen time for council advertising.

20. The hub would provide some indirect lighting and be powered by 100% renewable carbon-free energy, which is an environmental benefit. I also note the appellant's view that the proposed unit could assist in encouraging shoppers to return to the city centre and promote the city to visitors.
21. I also note the submission refers to the removal of a kiosk on Market Street East outside the Central Police Station, Magistrates Court and Fire Station and Carliol House which are both Grade II Listed, and another kiosk outside 172-174 and 178 Westgate Road and within the Hadrian's Wall World Heritage Site. However, both these locations are not visible from the appeal site, and I therefore found them to be visually unrelated. This therefore limits the weight I attribute to the removal of these existing kiosks as a justification for the proposal's specific affect on its immediate environs.
22. My attention has been drawn to other hubs and associated advertisements in the city, including 4 that were recently approved by the Council on Northumberland Avenue⁵. Whilst I have had due regard to these decisions, issues relating to the impact of a proposal upon the character, appearance and visual amenity of an area, and designated heritage assets, are matters of planning judgement based on the site-specific circumstances and surroundings.
23. In addition, I have been provided with limited information in respect of these decisions that would enable me to draw any direct comparisons with the specifics of the appeal site and scheme before me, including any potential relationship those proposals shared with any nearby listed buildings. These decisions therefore carry limited weight in my determination of this main issue.
24. Consequently, I do not find that the removal of existing kiosks elsewhere and the recent planning decisions referenced by the appellant, provide clear and convincing justification for the harm that would be caused to the significance of the Claremont Building from the proposed development within its setting.
25. When taken together, I find that all the above-mentioned public benefits attract moderate weight in favour of the appeal proposal. However, these public benefits do not outweigh the considerable importance I must attach to the designated heritage asset.
26. In respect of Appeal B, the Regulations require that decisions are made only in the interest of amenity and public safety. As such, most of the proposed benefits put forward cannot be taken into consideration in my decision for Appeal B. Nonetheless, even in a scenario whereby I accepted that use of the advertisement to display emergency messages and public messaging campaigns were a public safety matter relevant to the control of advertisements, the benefits derived from it would not overcome the harm I have identified to visual amenity.

⁵ 2023/1437/01/DET, 2023/1436/01/ADV, 2023/1440/01/DET and 2023/1439/01/ADV

27. I therefore conclude on this main issue that the proposal would have an unacceptable impact on the character, appearance and visual amenity of the area. Furthermore, it would harm the significance and setting of the nearby Claremont Building through development within its setting.

Conclusion on main issue

28. For the reasons given earlier, I conclude that the proposal would have an unacceptable impact upon the character and appearance of the immediate surrounding area and cause harm to visual amenity. Furthermore, the hub would cause harm to the significance of the Grade II Listed Claremont Building through development in its setting.
29. The proposal would therefore conflict with Policies C1, UC5, UC11, UC13 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-30 (CSP) and Policy DM20 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030 (DAP). When read together, these policies are consistent with the Framework in requiring that development respects and responds positively to local distinctiveness and the characteristics and context of an area and that development proposals conserve or enhance the significance of heritage assets setting and surrounding key views. They also seek to improve the network of routes for pedestrians at Claremont Road and Barras Bridge and ensure that the primary pedestrian route, from Barras Bridge to Central Station is attractive. In respect of Appeal A, the proposal would also fail to satisfy the requirements of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Highway and pedestrian safety

30. As mentioned, the proposed hub would be located close to a bus shelter at a busy bus stop that serves several routes. I observed during my visit, on a weekday morning, that the footway was busy with people using it to access King's Gate and enter and exit buses. I saw several pedestrians, including those with young children, entering and exiting buses directly adjacent to the appeal site.
31. The proposed hub would be located close to the edge of the carriageway. To road users travelling south west along Barras Bridge, the hub would be positioned shortly before the bus shelter and within an identified bus stop area.
32. Given the height, width and solid design of the proposed hub, as well as its siting so close to the shelter, there would be a period whereby pedestrians walking on the northern side of the highway, towards the hub, would have a restricted view of vehicles approaching on the nearside of the carriageway. Similarly, users of the road would lose sight of pedestrians as they walk behind the hub.
33. In my judgement this obstruction of views caused by the siting of the hub is a potential danger to highway safety, including vulnerable users, such as those with young children, or those in a wheelchair.

34. For example, a young child may be walking slightly ahead of their carer and lose sight and awareness of any oncoming vehicles on the nearside of the carriageway because of the hub's proposed siting so close to the road. Furthermore, they could also be easily distracted by its rotating digital display. Similarly, someone pushing a wheelchair or a child's buggy in front of them might only see an oncoming vehicle after they have cleared the hub.
35. Such scenarios not only present a danger to the pedestrians waiting to embark or disembark from buses, but also to drivers if a pedestrian suddenly, and unexpectedly, appears from behind the hub, close to the edge of the carriageway. If the driver or cyclist was not aware of their presence it could cause them to break sharply or swerve once they see a pedestrian emerge from behind the proposed unit. This therefore also causes a highway safety issue for road users, as well as pedestrians.
36. I acknowledge that the appellant refers to the width of the pavement adjacent to the hub, at approx. 5.2m, as a sufficient distance to allow significant pedestrian permeability. Still, the remaining width of the pavement adjacent to the carriageway would be significantly smaller and the width of the pavement as a whole does not address my concerns regarding restricted views of both pedestrians and road users, at a point where there are conflicting movements of individuals getting on and off buses and crossing the road. I am therefore not convinced that this is a sufficient set back given the short distance that would be provided between the proposed hub and the carriageway.
37. As such, given my above concerns, and in the absence of detailed evidence of the visibility and sightlines that would be provided between pedestrians and road users on approach to this crossing point, it is reasonable to take a precautionary approach in regard to this highway safety concern.
38. In view of all the above, based on the information before me, and my observations on site, I conclude that the siting of the appeal proposal would unacceptably obscure views between pedestrians and road users at this busy bus stop, to the detriment of public safety. The proposal therefore conflicts with Policies CS13 and C1 of the CSP and Policies DM10 and DM14 of the DAP, where they together seek to ensure that development has regard to road and community safety, and improves pedestrian routes and the pedestrian environment. The proposal would also be contrary to the highway safety provisions of the Framework.
39. In coming to my conclusion, I have also taken into consideration paragraph 141 of the Framework in so far as it is material in respect of its aim of controlling advertisements in the interests of public safety.

Other Matters

40. Across the road from the appeal site is a Grade I Listed War Memorial dating from 1923 which features an impressive and highly detailed bronze sculpture of soldiers marching to war. The significance of the memorial is noted in its Listing as being 'an eloquent witness to the tragic impacts of world events on this community and the sacrifices it made in the conflicts C20.' The public realm surrounding the memorial is designed to maximise its prominence and visibility within the street scene, which further enhances its significance as an emblem of pride and honour within the community.

41. To the southeast of the appeal site is the Grade I Listed Church of St Thomas the Martyr which was constructed between 1825 and 1830 it occupies a prominent position on the corner of Barras Bridge and St Mary's Place, its ornate sandstone ashlar exterior and towering spires contrast with the surrounding landscaped gardens and wider open public realm.
42. Across the road to the northeast of the appeal site is Newcastle Civic Centre which is a Grade II Listed building which is a particularly good example of 60s modernist architecture featuring a distinctive carillon tower and decorative features which include seahorses and sculptures of the river god Tyne.
43. The hub would be visible within the setting of the listed War Memorial, Church of St Thomas the Martyr and Newcastle Civic Centre, paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of heritage assets, great weight should be given to their conservation.
44. The War Memorial, Church of St Thomas the Martyr and Newcastle Civic Centre are separated from the appeal site by Barras Bridge, which comprises four lanes of traffic. The distance between the appeal site and these heritage assets, as well as the physical separation created by the intervening highway, ensure that the proposal would not impede on views of these buildings or harm their setting. I note that following a request for clarification from the Council, as detailed above, they raised no concerns in regard to the effect of the proposal on the setting or significance of these listed buildings either.
45. Consequently, I find that the proposal would have a neutral effect upon the setting of the War Memorial, Civic Centre and Church of St Thomas the Martyr. The proposal would therefore preserve their significance as designated heritage assets.

Conclusion

46. For the reasons given, I have concluded that the proposal would harm the significance of the Claremont Buildings through development in its setting and would cause harm to the character, appearance and visual amenity of the area. It would also restrict visibility of both pedestrians and road users at a bus stop, which would harm both highway and pedestrian safety.
47. Appeal A therefore conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made other than in accordance with the development plan. Appeal B would harm visual amenity and public safety.
48. Therefore, for the reasons given, both Appeal A and Appeal B are dismissed.

C Livingstone

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/M4510/W/25/3375212	IN FOCUS NETWORKS LIMITED
Appeal B	APP/M4510/H/25/3375211	IN FOCUS NETWORKS LIMITED