



Appeal Decisions

Site visit made on 17 February 2026 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2026

Appeal A Ref: 6001708

Pavement o/s 34-36 Wheeler Gate, Nottingham NG1 2ND

- 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 Richard Wilson NWP Street Limited plc against the decision of Nottingham City Council.
- The application Ref is 25/01422/PFUL3 (PP-14213527).
- The development proposed is a new communications kiosk with integrated advertising display and defibrillator.

Appeal B Ref: APP/Q3060/Z/25/3375820

Pavement o/s 34-36 Wheeler Gate, Nottingham NG1 2ND

- 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 BT Telecommunications plc against the decision of Nottingham City Council.
 - The application Ref is 25/01423/ADV2 (PP-14213527)
 - The advertisement proposed is described as a new communications kiosk with integrated advertising display and defibrillator.
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Decisions

1. Appeal A is allowed and planning permission is granted for a new communications kiosk with integrated advertising display and defibrillator at Pavement o/s 34-36 Wheeler Gate, Nottingham NG1 2ND in accordance with the terms of the application, Ref 25/01422/PFUL3 (PP-14213527) 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: drawing number 4870-001-009 and NWP-KIOSK/001.
 - 3) The materials to be used in the construction of the communications kiosk shall be as specified in the materials section of the planning application form.
2. Appeal B is allowed and express consent is granted for a new communications kiosk with integrated advertising display and defibrillator at Pavement o/s 34-36 Wheeler Gate, Nottingham NG1 2ND. The consent is granted for five years from the date of this decision and is subject to five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertisement hereby permitted shall be no greater than 300 candela per square metre.

- 2) The advertisement hereby permitted shall not be in operation and shall display a black or blank screen between the hours of 00:00 and 05:00 daily.
- 3) The advertisement hereby permitted shall display static images only and any images shall change no more regularly than every ten seconds.

Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

4. Despite sharing the same description of development, appeal A relates to the refusal of planning permission for the communications kiosk and appeal B consent for the advertisement element. I have dealt with them together to avoid repetition and given the cross over in regard to the main issues. The Council has drawn my attention to development plan policies which I have taken into account as material considerations in appeal B since power to control advertisements may be exercised only in the interests of amenity and public safety.

Main Issue

5. The main issue is the effect of the proposals on the character and appearance of the area with specific regard to the Old Market Square Conservation Area (CA) and the setting of listed buildings. This translates to amenity for the purposes of the advertisement regulations.

Reasons for the Recommendation

6. The appeal site is part of the pavement in the city centre. It is surrounded by commercial buildings with modern shop frontages on the ground floor and multiple floors above. Most of the tall buildings opposite the appeal site are listed with highly decorative frontages above the ground floor. There is a sense of liveliness to Wheeler Gate with a variety of designs of shop fronts located in a vibrant environment along with a range of types of street furniture including benches, cycle stands, street lighting and post boxes. There are also a range of advertisement types including standalone examples close by.
7. For appeal A, the proposal would fit between two trees in a similar position to the other street furniture tucked alongside the road creating a clear delineation for similar development as can already be seen on Wheeler Gate. The kiosk would be comparatively small scale in the street scene, similar to that of a traditional telephone box. There would be space around the kiosk so it wouldn't create a cluttered appearance on the street. Against the backdrop of a lively commercial setting and much taller buildings, views of the kiosk would not be obvious. It would assimilate well into the existing street scene.
8. In terms of appeal B, such types of advertisement are not uncommon on Wheeler Gate or the wider area within the city centre and CA. There are also a number of other illuminated advertisements on some of the nearby retail premises and therefore the proposal would not be a standalone feature. Furthermore, the area is well lit and subject to a condition relating to illumination levels, the advertisement would not have a dominating effect even when it is dark. The advertisement would

be switched off between midnight and 5am which would further alleviate any potential for the advertisement to cause harm to amenity.

9. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to preserving listed buildings and their setting or any features of special architectural or historic interest. Section 72 of the act sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a CA. Paragraph 212 of The National Planning Policy Framework (Framework) places emphasis on great weight being given to an asset's conservation. These statutory duties also apply in advert appeals in so far as they relate to the consideration of amenity.
10. The Council does not specify exactly which listed buildings would be affected by the proposal, alluding to the ones opposite from Numbers 9 to 29. Significance of in these respects is derived from architectural detailing above the ground floor. They have modern ground floor shop frontages but highly decorative facades above creating a strong and imposing feature of historic architectural interest. Given the active nature of Wheeler Gate beneath, the addition of one more small structure within the busy environment on the opposite pavement, with the above in mind, would not cause harm to the significance of their setting.
11. The significance of the CA is derived from its position in the retail core of the city. It extends across Old Market Square and the surrounding secondary retail streets such as Wheeler Gate. It is commercially vibrant within the city centre with many varied premises. The shops on Wheeler Gate are set back in line with each other and the smaller scale street furniture is neatly positioned alongside the road. Taking all of the above into account, the small-scale structure among the existing street furniture would preserve both the character and appearance of the CA.
12. The proposal would therefore comply with Policies 10 and 11 of the Broxtowe Borough Gedling Borough Nottingham City Aligned Core Strategies Part 1 Local Plan 2014 and Policies DE1 and HE1 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 2020 (LP) which are concerned with preserving the historic environment amongst other things. With regard to appeal B, there would not be any harm to amenity as a result of the proposal and therefore it would comply with the aims of Policy DE5 of the LP as far as they are material to the main issue.

Other Matter

13. No trees are proposed to be removed to allow for the scheme and therefore the requirement for the planting of an additional street tree would not be reasonable. The trees for cities regime appears to be separate to the outcome of these appeals.

Conditions

14. With regard to appeal A, other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for certainty. In the interests of the character and appearance of the area, a condition relating to the materials is necessary to ensure that they are as detailed within the application form.
15. With regard to appeal B, the standard conditions shall be placed on the consent. As the proposed advertisement is to be illuminated, it is necessary to apply a condition

to limit the luminance level in the interests of amenity. The submitted documents state that the proposed advertisement would have an illuminance level of 300 candela per square metre which has not been disputed by the Council. I have no reason to disagree. The screen will be turned off between the hours of midnight and 5am each day and the displays shall be static and change every 10 seconds. It is necessary to apply conditions to these effects in the interests of amenity.

Conclusion and Recommendation

16. For the reasons given above, I recommend that both appeals should be allowed since they would comply with the development plan and satisfy an assessment under the required regulations respectively. There is nothing sufficiently compelling, in the case of appeal A, to suggest otherwise.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeals are allowed. The effect of which is to therefore grant planning permission in regard to appeal A and advertisement consent for appeal B, subject to the specified conditions in each case.

John Morrison

INSPECTOR