



Appeal Decision

Site visit made on 3 February 2026

by Chris Mayes CMLI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2026

Appeal A Ref: 6001613

Pavement outside GAME, 52 Gallowtree Gate, Leicester LE1 1DA

- 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 of In Focus Network Limited against the decision of Leicester City Council.
 - The application reference is 20251338.
 - The development proposed is described on the application form as 'replacement and updating of advertised public call box'.
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Appeal B Ref: APP/W2465/Z/25/3375689

Pavement outside GAME, 52 Gallowtree Gate, Leicester LE1 1DA

- 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 of In Focus Network Limited against the decision of Leicester City Council.
 - The application reference is 20251337
 - The advertisement proposed is installation of one internally illuminated digital LCD screen to telephone kiosk.
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Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. Appeal A relates to the refusal of planning permission for a digital telephone kiosk that would serve as a multifunctional hub. Appeal B is in respect to the refusal of an associated advertisement consent which would be an integral part of the proposed hub sought under Appeal A. While the remit of planning and advertisement consent appeals is different, to reduce repetition and for the avoidance of doubt, I have dealt with the two appeals together within a single decision letter.
3. In respect of Appeal A only, Section 66(1) of the Act requires special regard be given to the desirability of preserving the setting of listed buildings. In respect of Appeal B, the statutory duty from s66(1) does not apply. However, the fact that a building is listed is likely to be a material consideration when gauging effects on amenity. Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and the National Planning Policy Framework (the Framework) (December 2024) state that advertisements should be subject to control only in the interests of amenity and public safety. With respect to Appeal B, the development plan policies referred to by the Council are not determinative, but I have taken these into account as a material consideration.

4. The description of development in Appeal A includes reference to the replacement of an existing call box, which the appellant states is located on Bonners Lane, Leicester. However, I have been provided with limited information about the location of this call box, and I note that it is not included within the red line boundary of the application site. The removal of this call box therefore does not fall within the development proposal before me, and I have not considered it further. For the avoidance of doubt, I have considered the appeal on the basis of the description of development used by the Council on its Decision Notice¹. I am content that no party with a potential interest in the outcome of Appeal A is prejudiced by me taking this approach.
5. In Appeal B, I have taken the description of the proposed advertisement from the appeal form rather than the application form as this is a more accurate description.

Main Issues

6. The main issues in relation to Appeal A are the effect of the proposed development on:
 - The character and appearance of the area, including the settings of the Market Place and Granby Street CAs, and the setting of the Grade II listed building known as '1, Granby Street (Natwest) and 2, Horsefair Street' (the LB).
 - The useability of a pedestrianised area, with particular regard to pedestrian and cycle movement.
7. The main issue in relation to Appeal B is the effect of the proposed advertisement on:
 - The visual amenity of the area having regard to whether it would preserve the settings of nearby CAs and the LB.

Reasons

Character and appearance and visual amenity – Appeals A and B

8. The appeal site comprises a section of footway on Gallowtree Gate close to the intersection with Granby Street, Horsefair Street, Halford Street and Market Place Approach. This location is part of an important transitional space between the tighter urban grain of the city surrounding the marketplace to the west and the broader, more linear thoroughfare of Granby Street and Gallowtree Gate.
9. Although the site lies just outside the boundaries of both the Market Place and Granby Street CAs, it sits between them and within their immediate settings. Views through the site allow appreciation of the spatial qualities and architectural form of both CAs, as well as the LB on the opposite corner.
10. The Granby Street Conservation Area Appraisal (March 2007) indicates that the area derives its significance from its historic role as a principal arterial route running into and past the earlier and more densely developed city centre, and subsequently as a focus of commercial and civic activity. Its northern end, close to the appeal site, is identified as a gateway and transitional space, where, based on what I saw at my site visit, openness, legibility and long views are key characteristics. The

¹ Installation of telephone kiosk

conservation area appraisal goes on to identify visual clutter and uncoordinated street furniture as detracting from this significance.

11. The LB occupies a prominent corner position at the northern end of Granby Street, where it forms part of the gateway to the Granby Street CA. Its significance and special interest derives from its architectural qualities and its status within the street scene, which also make a positive contribution to the character and appearance of the CA. The building is particularly conspicuous in views approaching Granby Street along Gallowtree Gate, and within the wider gateway space.
12. This gateway space also mediates between different phases of the city's historic development. The Market Place CA represents the earlier core of Leicester and is characterised by a tighter grain of development enclosing the historic marketplace itself. The buildings surrounding the marketplace create a strong sense of enclosure, which contrasts with the broader and more open character of Granby Street and Gallowtree Gate. The openness of Gallowtree Gate allows this enclosure and the surrounding historic fabric to be appreciated, including the enclosing buildings fronting the street, of which the Central Buildings at the corner of Market Place Approach and Gallowtree Gate form the closest and most immediate example.
13. Gallowtree Gate at this point, including the appeal site, is a busy pedestrian thoroughfare with a strong sense of openness and forward movement. Existing street furniture on the opposite side of the street from the appeal site, including bollards, seating and signage, is generally low-level and positioned so as to maintain visual and spatial continuity and minimise interruption to pedestrian flow. This arrangement allows the space to function as a legible and welcoming public realm, while accommodating high footfall and retaining clear views along the street and towards adjoining historic areas.
14. In this context, the proposed development would introduce a tall, free-standing structure incorporating an illuminated digital advertisement within the pedestrianised area. The structure would be positioned away from building frontages and independent of existing groupings of street furniture within the open gateway space between Granby Street and Gallowtree Gate. By reason of its height, bulk and vertical emphasis, the structure would be noticeably larger than surrounding items of street furniture, with the illuminated display introducing a distinct and visually conspicuous element into this space.
15. While the appellant emphasises the modest scale of the structure when compared with surrounding buildings, I consider the appropriate comparison in this context to be with other elements within the public realm. When assessed in this way, the call box would appear dominant within an otherwise open and permeable space. Furthermore, while similar call boxes are present elsewhere within the city centre, their acceptability is dependent on context, and their presence in other locations does not establish that such structures would be appropriate within this sensitive gateway space. Moreover, although advertising and commercial imagery form part of the wider city centre environment, they are predominantly experienced as part of building frontages and shopfronts rather than as free-standing illuminated structures within the public realm.
16. The introduction of this additional structure would alter the experience of the street by increasing the amount of built form within an otherwise open and legible

pedestrian space. Its siting would interrupt sightlines along Gallowtree Gate and reduce the sense of openness that currently allows clear appreciation of the surrounding townscape and the enclosing buildings at the edge of the Market Place and Granby Street CAs. Although the setting of heritage assets can accommodate modern development and commercial activity, such development must respond sensitively to context and significance. In this case, the proposal would fail to do so.

17. The proposed call box, by virtue of its size, design and siting, would constitute an incongruous structure that would result in additional clutter within the street scene, adversely impacting on the amenity, visual appearance and historic characteristics of the area. It would erode the open character of this part of Gallowtree Gate such that the development would fail to preserve the settings and thereby the significance of both the Market Place and Granby Street CAs, and the setting of the LB.
18. Paragraph 212 of the Framework states that great weight should be given to a heritage asset's conservation, and paragraph 215 requires that where a development proposal would 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. In view of the limited scale of the proposal, I find the level of harm to the significance of both CAs and the LB to each be at the lower end of the scale of less than substantial harm, but nonetheless of considerable importance and weight.
19. There would be public benefits arising from the proposal, including the provision of modern digital communications infrastructure offering free public calls, and the potential for the digital display to be used for community or civic messaging. These benefits, while modest in scale, attract meaningful weight, especially having regard to the Framework's support for high-quality communications infrastructure. However, any wider economic or commercial benefits arising from the advertising function would be limited and largely private in nature.
20. When weighed against the less than substantial harm identified to the significance of any of the Market Place CA, the Granby Street CA, or the LB, I find that in each instance the public benefits advanced are not sufficient to outweigh the harm.
21. With regard to Appeal A, for these reasons I conclude that the proposal would have a harmful effect on the character and appearance of the area, and would fail to preserve the settings of the Market Place and Granby Street CAs, and the LB. Conflict therefore arises with Policies CS03 and CS18 of the Leicester City Council Core Strategy (July 2014) (CS). These policies require, among other things, development to respond positively to its local context, contribute to an uncluttered and high-quality public realm, and protect and enhance the character, appearance and setting of designated heritage assets.
22. With regard to Appeal B, and consistent with the reasons given above in relation to designated heritage assets, I find that the sizeable illuminated display would cause unacceptable harm to the amenity of the area, notwithstanding that the screen lighting would be static and its brightness controlled.

Useability of a pedestrianised space – Appeal A

23. Gallowtree Gate at this point is a pedestrianised street which also accommodates cycle access. Signage at the junction with Granby Street directs cyclists to the

left-hand side of the street, and this is reinforced by limited surface markings and changes in materials indicating a shared route. The area immediately around the appeal site functions as a bell-mouth, accommodating pedestrians and cyclists converging from several directions as they enter or leave the pedestrianised area from the surrounding streets.

24. The proposed call box would be located within this bell-mouth area, where space is required to allow pedestrians and cyclists to pass, slow, adjust direction and interact safely with one another. Its siting would introduce a solid, vertical obstruction into an area that currently relies on openness, visibility and inter-visibility between users to function effectively.
25. As a result, the proposal would substantially impair the movement of both pedestrians and cyclists through this space and reduce visibility between users approaching from different directions. This would increase the potential for conflict and detract from the safe and convenient use of the pedestrianised area.
26. I therefore conclude that the proposal in relation to Appeal A would harm the usability of the pedestrianised area, with particular regard to pedestrian and cycle movement. Conflict therefore arises with Policies CS03 and CS14 of the CS, which seek, among other things, to promote an uncluttered public realm and to maximise accessibility and safe movement for pedestrians and cyclists.

Conclusion

27. The proposed development that is the subject of Appeal A, would cause multiple harms and conflict with the development plan when read as a whole, and would not meet the requirements of the Framework. Moreover, material considerations do not indicate that the appeal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that Appeal A should be dismissed.
28. For the reasons given above, I conclude that Appeal B should be dismissed.

Chris Mayes

INSPECTOR