
Appeal Decisions

Site visit made on 3 March 2026

by **V Simpson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2026

Appeal A Ref: APP/E3335/W/25/3376064

Pavement o/s 60 High Street, Taunton TA1 3PG

- 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 BT Telecommunications Plc against the decision of Somerset Council.
 - The application Ref is 38/25/0153.
 - The development proposed is the installation of 1no. BT Street Hub and removal of associated BT payphones.
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Appeal B Ref: APP/E3335/H/25/3376065

Pavement o/s 60 High Street, Taunton TA1 3PG

- 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 Somerset Council.
 - The application Ref is 38/25/0154/A.
 - The advertisement proposed is 2no. digital 75" LCD display screens, one on each side of the Street Hub unit.
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Decisions

Appeal A

1. This appeal is dismissed.

Appeal B

2. This appeal is dismissed.

Preliminary Matters

3. A single application was submitted for planning permission and advertisement consent. The Council subsequently issued 2 decisions - one for the proposed hub, and the other for an associated advertisement display. The 2 appeals subsequently lodged are the subjects of this decision letter.
4. Each appeal has been considered on its own merits. However, given the similarities in the proposed schemes and the issues raised, and in the interests of conciseness, a single decision letter is issued.
5. In reaching my decision on appeal B - which relates to the advertisement display, I have had regard to the Development Plan policies cited in the evidence, but only in so far as these are material to amenity and public safety considerations.

Main Issues

6. The main issues are the effect of the scheme on:
- the character, appearance, and amenity of the area, with particular regard to whether it would preserve the settings of nearby listed buildings - both appeals;
 - risk of crime – appeal A; and
 - public safety, with particular regard to highway safety – both appeals

Reasons

Character, appearance and amenity – both appeals

7. The appeal site comprises part of a shared route for pedestrians and cyclists within a wide main shopping street in Taunton. Albeit nearby buildings on both sides of the street are of a variety of ages and designs, these together with the trees, seating and other street furniture, give the area a fairly traditional and visually pleasing character and appearance.
8. There is street lighting close to the site, and I do not doubt that there would be some additional lighting in the area from the retail/commercial frontages. Consequently, the lighting environment in the area is typical of what can ordinarily be expected in a town centre shopping street.
9. Although not as tall as nearby lamp posts, and despite having a sleek design, the large and generally rectangular prism-shaped hub would have a bulky appearance, which would be incongruous with other nearby advertisements and street furniture - which includes much lower seating and bins. It would also add clutter to the part of the street it would be sited on.
10. Moreover, the hub would be located close to the middle of the street and orientated such that its large, illuminated faces would be highly visible on approach along High Street. Due to its proximity to entrances/exits to Crown Walk and Orchard Walk (the Walks), it would also be highly prominent for those travelling between High Street and the Walks.
11. Even if some advertisements under the deemed consent regime may have a maximum night-time luminance of 600 candelas per square metre (cd/m²), in this case, express consent is sought. As such, it is appropriate to consider the effect of the proposed levels of luminance of the hubs in considering this main issue.
12. In the absence of compelling evidence to the contrary, I accept the recommendations of the Institute of Lighting Professionals (the ILP) in their lighting guide for adverts¹ (lighting guidance).
13. On the application form, it is indicated that the advertisements would have luminance levels of 5000 cd/m². This level of luminance would be significantly brighter than the maximum recommended luminescence for bright sunny days identified in the ILP's guidance. I have considered the effect of conditions that would restrict the luminance of the lit panels between dusk and dawn to no more than 600 cd/m². However, even with such conditions, at night the panels could still be substantially brighter than the recommended maximum nighttime luminance

¹ Institution of lighting professionals- Professional lighting Guide 05/23 – The brightness of illuminated advertisements including digital displays - 202

levels for urban and suburban environments, as identified by ILP in their lighting guidance.

14. That being the case, and notwithstanding the ambient lighting within and close to the appeal site, at night and at many times of day, the lit panels and the associated advertisement displays would be highly conspicuous and incongruous additions within the street. This is because of their high level of luminance, their large size, and their prominent locations within the public realm.
15. The proposed hub would be erected some distance from the nearest street trees - which increase the verdancy and soften the otherwise highly built-up area. Consequently, I am satisfied that with care, it would be possible to undertake the proposed development without causing harm to the health of the nearest trees, or reducing the contribution they make to the character and appearance of the area. Even so, had the appeal scheme been otherwise acceptable, it would have been necessary to impose associated conditions to ensure the protection of these trees during the implementation of the scheme. However, the absence of harm in respect of trees, is a neutral consideration.
16. As part of the scheme, 2 existing telephone kiosks would be removed. Nevertheless, even if these structures are in poor repair and subject of flyposting and/or vandalism, they are substantially less prominent than the proposed hub would be. This is because they have much lower levels of light emittance than the proposed hub. As such, and even though the scheme would lead to a small overall reduction in the amount of street furniture, the benefits to the character and appearance of the area from the removal of the kiosks, would be less than the associated harm that would be caused by the hub.

Setting of nearby listed buildings

17. There are several listed buildings within High Street. Nevertheless, from the evidence, the appeal site forms part of the settings of those at 2-4 High Street; George Hotel; 6 High Street; 7 and 8 High Street, and 9 – 13 High Street (the Listed Buildings²). These are all Grade II listed, and they are adjoining buildings within a wider terrace. According to their associated official list entries, these buildings are likely to be of different ages, ranging from the 18th Century to the early/mid 19th Century. Their remaining historic fabric variously includes stucco fronts, sash windows – some of which have glazing bars, and a late 19th century shop front. That being the case, their significance is mainly derived from their historic and architectural interest as well as from their collective group value. However, they also derive some significance from the wider built backdrop of their town centre settings, which include the appeal site.
18. For the reasons previously given, the hub would introduce a large bulky structure to the appeal site. As such, and because the high level of illumination of the advertisement panel displays, and the proximity of the site to the Listed Buildings, the scheme would attract attention away from the Listed Buildings. Albeit to a small extent, this would make it harder to appreciate the special qualities of the Listed Buildings. Consequently, the scheme would not preserve the settings of the Listed Buildings, and it would erode the contribution that their settings make to their significance.

² Official list entry numbers: 1344755, 1059997, 1344756, 1059998 and 1059999

19. In accordance with paragraph 212 of the National Planning Policy Framework (the Framework), I give great weight to the conservation of the Listed Buildings as designated heritage assets. Although the nature and small scale of the scheme, means that the harm that would be caused to the significance of each of the Listed Buildings would be to the very lowest end of the scale of less than substantial, these harms should be weighed against the public benefits of the scheme.
20. Although the Framework provides support for the expansion of electronic communications networks, including next generation technology such as 5G, it states that the number of communications masts, and the sites for such installations, should be kept to a minimum. Even if the proposed hub would help boost 4G and/or 5G coverage, no compelling evidence has been provided demonstrating that the possibility of erecting antennas on an existing building, mast or other structure has been sufficiently explored. Very little weight is therefore attributed to the public benefit that would arise from any boost to 4G and/or 5G services in the area.
21. Public benefits would arise from the provision of free digital information and communication services at or close to the hub. However, given the general prevalence of mobile phone availability and usage for communication and information purposes, little weight is given to these benefits. Little weight is also given to the small public benefit that would arise from being able to charge devices at the hub. This is because doing so would put the user at increased risk of theft or other criminal action. It is not therefore likely to be a common or frequent occurrence.
22. Overall, the public benefits do not outweigh the harm that would be caused to the significance of the Listed Buildings.

Conclusion on character, appearance and amenity

23. Notwithstanding my findings regarding the effect of the development on nearby trees, the scheme as a whole would cause harm to the character, appearance and amenity of the area, and it would not preserve the settings of nearby Listed Buildings. Consequently, and although it would comply with policy ENV1 of the Development Management Plan³, in respect of this main issue, it would conflict with policies D3 and I2 of the Development Management Plan and policies DM1, DM4 and CP8 of the Core Strategy⁴. Collectively, and amongst other things, these policies require development to minimise impacts on trees that are of value to the character of the area, to have a sympathetic design and sensitive siting, and to prevent development and advertisements that are unduly prominent or which would detract from their surroundings. They also seek to ensure the conservation and enhancement of the historic environment, and to prevent harm to it.

Crime – appeal A

24. Activity close to the appeal site has resulted in a substantial volume of criminal incidents being reported to the police. The reported crimes include theft, anti-social behaviour, violence against the person, criminal damage and drug offences. I have no doubt that the developments subject of these appeals would further increase the risk of criminal activity both at the hub site and close to it. This is partly

³ Taunton Deane Borough Council – Taunton Deane Adopted Site Allocations and Development Management Plan - 2016

⁴ Taunton Deane Borough Council – Adopted Core Strategy 2011-2028 – Development Plan Document September 2012

because the solid hub would be large enough to conceal persons/activity, and the light and glare from the large display panels would, in some cases, prevent the effective use of local CCTV monitoring. It is also because compelling evidence has been provided that similar hubs have been used for criminal purposes, targets for criminal damage, and/or a focal point for anti-social behaviour.

25. The implementation of measures such as restricting hub usage and ensuring the hubs are monitored, regularly inspected and cleaned – as identified in The Street Hub Anti-social Behaviour Management Plan – version 3 (SHASBMP), would undoubtedly reduce the risk of criminal activity associated with the presence and use of the hub. However, even if all the measures in the SHASBMP were fully implemented, there would still be a residual increased risk of crime in the area surrounding the hub, which would be to the detriment of street safety. Moreover, and even if other Inspectors have previously determined that the implementation of an anti-social behaviour management plan would reduce the risk of a BT street hub being used for crime to an acceptable degree – as was the case in appeal refs APP/L5240/W/21/3285401 and APP/L5240/H/21/3285402, I do not have enough information about the crime rates in that or other areas to draw comparisons with this scheme.
26. For these reasons, the development subject of appeal A is likely to increase the risk of crime. Consequently, it would conflict with policy CP5 of the Core Strategy. Amongst other things, this policy seeks to ensure that proposals contribute towards a reduction in crime and the fear of crime.

Highway safety – both appeals

27. Given the town centre location of the appeal site, a high volume of pedestrians and/or other users can reasonably be expected to use the shared route for pedestrians and cyclists that the appeal site forms part of. Nevertheless, and in common with much of the existing nearby street furniture and street trees, the hub would be located close to the centre of the street, leaving wide spaces either side for pedestrians, cyclists and other users of this street to pass easily, safely and without conflict.
28. Because the hub would broadly align with trees and other street furniture towards the middle of the street, it is also not likely to be a collision hazard for those travelling along High Street. Moreover, and even though the hub would be positioned between entrances/exits to the Walks, it would not block lines of sight between them. As such, and because of the amount of clear space around the hub, the scheme would not harmfully reduce safety or convenience for those crossing between the Walks.
29. In many town centre locations, the presence of features and advertisements that are designed to attract the attention of passer-by's is not unusual. As there would be plenty of circulation space for pedestrians, cyclists and other street users on approach and around the hub, and because the advertisement displays would be static, the scheme is not likely to create a distraction that would be harmful to the safety of users of High Street or the Walks.
30. For these reasons, and in respect of this main issue, the scheme would comply with policies D3, D9 and I2 of the Development Management Plan, and policy CP5 of the Core Strategy. Amongst other things, these seek to ensure that

development and advertisements don't present a hazard to public safety, and that safe walking and cycling routes be provided that reflect desire lines.

Other Matters

31. Advertising revenue from the scheme would undoubtedly help fund the ongoing running and maintenance costs of the hubs. However, from the evidence before me, I am unable to conclude that this revenue would be essential to ensure the previously identified public benefits associated with the street hub.
32. In making these decisions, either little or very little weight can be attributed to each of the public benefits previously identified.
33. The appeal decision letters provided relate to sites outside of Taunton and which would have different planning policy contexts. Furthermore, the evidence before me is insufficient to enable direct comparisons to be made between those schemes and that which is subject of these appeals. Consequently, these decision letters do not lead me away from my previous findings.
34. The evidence indicates that the site is within the zone of influence of the Somerset Moors and Levels Ramsar site. However, given that the scheme is otherwise unacceptable, there is no need to consider its implications on this protected site.

Conclusion

35. Notwithstanding my findings on the 3rd main issue, the scheme would cause harm in respect of the other main issues. These harms and the associated development plan conflict are prevailing considerations.
36. The development subject of appeal A would conflict with the development plan when read as a whole. Moreover, material considerations do not indicate that either of these appeals should be determined other than in accordance with the development plan.
37. I therefore conclude that appeals A and B should be dismissed.

V Simpson

INSPECTOR