
Appeal Decisions

Site visit made on 23 February 2026

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 March 2026

Appeal A Ref: APP/P4605/W/25/3376021

Footpath Outside 627 Bordesley Green, Birmingham B9 5XZ

- 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 Ms Verity Cheyne (BT Group PLC) against the decision of Birmingham City Council.
 - The application Ref is 2025/04305/PA.
 - The development proposed is the installation of New BT Street Hub.
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Appeal B Ref: APP/P4605/Z/25/3375856

Footpath Outside 627 Bordesley Green, Birmingham B9 5XZ

- 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 Ms Verity Cheyne (BT Group PLC) against the decision of Birmingham City Council.
 - The application Ref is 2025/04339/PA.
 - The advertisement proposed is the installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit
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Decision

1. Appeal A is allowed and planning permission is granted for the installation of new BT Street Hub at Footpath Outside 627 Bordesley Green, Birmingham B9 5XZ in accordance with the terms of the application, Ref 2025/04305/PA, subject to the conditions in the attached schedule.
2. Appeal B is allowed and express consent is granted for the installation of advertisement panels on either side of the BT Street Hub unit at Footpath Outside 627 Bordesley Green, Birmingham B9 5XZ in accordance with the terms of the application, Ref 2025/04339/PA. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Advertisement Regulations and the conditions in the attached schedule.

Preliminary Matters

3. Appeal A relates to planning permission for a BT Street Hub (Hub), while Appeal B concerns an associated application for advertisement consent. The two appeals are intrinsically linked and I have considered them together to avoid unnecessary duplication.
4. With respect to Appeal B, Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) specify that decisions must be based solely on considerations of amenity and public safety. Therefore, while I have taken

the development plan policies referred to by the Council into account, they have not been determinative in respect of Appeal B.

Main Issue

5. The main issue in respect of Appeal A is the effect of the development on the character and appearance of the area. The Council has not raised any objections on the grounds of public safety, and I see no reason to reach a different conclusion. Therefore, the main issue in respect of Appeal B is the effect of the advertisements on amenity.

Reasons

6. The appeal site is located on a wide area of pavement within a small parade of shops. There is already a standalone advertising hoarding a little further along the street. This is combined with a significant amount of existing street furniture, including road signage, litter bins, lampposts, bollards and bus shelters (with advertising). As a predominantly commercial area, there is also a substantial amount of signage on shops, including some illuminated signage. This includes a large electronic sign at first floor level on one shop fronting the parade and tall totem sign for the McDonalds. This unit also has two very large non-illuminated banners in the forecourt, along with a lit outdoor seating area.
7. The development is intended to replace the existing telephone kiosk/cash machine. This is within the redline of the application and identified on submitted plans. As such, its removal could be secured by condition. This is a short distance from the where the Hub would be located. This is a solid structure which, though does not contain any illumination or advertising, is a utilitarian feature that adds little to the quality of the public realm.
8. While the development would not result in a quantitative increase in the amount of street furniture, it would not be a like-for-like replacement. The Hub would be discernibly taller and wider than the existing kiosk and would have illuminated panels on each side. On this basis, it would be significantly more overt and visible in the street scene than the existing feature. However, given the existing character of the area, including the existing advertising structures and signage, it would not appear as wholly incongruous or unusual.
9. Although the Hub would be an overtly modern, monolithic and somewhat striking feature, there is no indication that the area is sensitive in terms of heritage assets or the age or quality of nearby buildings. The McDonalds is the one building of note and looks to be a converted public house. However, given the nature of signage and illumination on and around this building, it is unlikely that the Hub would have any detrimental impact on the setting of this building. Elsewhere, there are no particularly notable architectural features or homogeneity of design that would be harmed by the introduction of the Hub. The illuminated advertising would also not appear untoward, given what already exists in the vicinity of the site. This is particularly the case when considering the nature of the existing street furniture and signage that already exists, including that of the aforementioned McDonalds.
10. As the development would not result in any undue harm in its own right, there is no reason why it should undermine the aspirations of the Council to improve the public realm or create a positive sense of place. In any event, the Council has not provided

any evidence to suggest there are planned improvements to the public realm in this location that would be prejudiced by the proposal.

11. In the context of this case, I am not persuaded that the Hub would result in unacceptable harm to the character, appearance or amenity of the area. Accordingly, with respect to Appeal A there would be no conflict with Birmingham Development Plan (BDP) (2017) Policy PG3, which seeks to ensure development reinforces or creates a positive sense of place.
12. With regard to Appeal B, I have taken account of BDP Policy PG3 and Development Management in Birmingham (DMB) (2021) Policy DM7, which amongst other things seeks to ensure advertisements are suitably located and designed to have no detrimental impact on amenity. Given I have concluded the proposed advertisements would not harm amenity, the proposal would not conflict with these policies.
13. The Council has also referred to DMB Policy DM2 in its decisions for both appeals. While of questionable relevance to the main issues, there would be no conflict with this policy in any event.

Other Matters

14. The appellant has referred to two other existing telephone boxes being removed as part of this proposal. However, neither are within the redline of the application or identified on any plans. As such, there is question as to whether there would be any way of securing their removal. In any event, both are some distance from the appeal site and have no bearing on the acceptability of the proposal, which has been based on its effect on this locality. The removal of these telephone boxes are therefore not necessary to achieve an acceptable scheme.

Conditions

15. The Council did not suggest any conditions for these appeals. I have regard to the conditions suggested by the appellant. With regard to Appeal A, in addition to the standard condition on timescales, I have imposed a condition that requires the development to be carried out in accordance with the drawings in the interest of clarity. To ensure the development does not result in a proliferation of street furniture I have imposed a condition that requires the removal of the existing kiosk/cash machine, as set out in the approved plans. A condition that requires the pavement to be made good following the erection of the hub is needed in the interests of public safety.
16. For Appeal B, in the interests of amenity and public safety, I have imposed the conditions controlling the level of illumination, moving images, minimum display time for each image and transition between images. I have also included a condition preventing advertisements resembling traffic signs to ensure drivers are not unduly distracted.

Conclusion

17. With regard to Appeal A, the development complies with the development plan when read as a whole. There are no material considerations that would lead to a decision that does not accord with the plan. With regard to Appeal B, there would be no unacceptable impacts on amenity or public safety. Accordingly, both appeals should be allowed.

S J Lee INSPECTOR

Schedule of Conditions

Appeal A: APP/P4605/W/25/3376021

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers BRM-47 001 Rev A – Existing Site Plan, BRM-47 002 – Rev A - Proposed Site Plan, BRM-47 003 Rev A – Existing Site Elevation, BRM-47 004 Rev A– Proposed Site Elevation.
- 3) Within 3 months of the commencement of the development hereby permitted the existing cash point shown to be removed on the approved plans shall be removed in its entirety and the land made good to the same conditions as the adjacent land.
- 4) The development hereby permitted shall not be first used or turned on until the pavement surrounding the development has been made good to the same condition as the adjacent land.

Appeal B: APP/P4605/Z/25/3375856

- 1) The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m²) between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
- 2) The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 3) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
- 4) The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between different content and the displays shall include a mechanism to freeze the image in the event of a malfunction.
- 5) No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.