



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/25/3375732

Footpath Outside 84 Hill Street, Birmingham B5 4AB

- 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 Mrs Verity Cheyne (BT Group PLC) against the decision of Birmingham City Council.
 - The application Ref is 2025/04292/PA.
 - The development proposed is the installation of 1no. BT street hub unit.
-

Appeal B Ref: APP/P4605/Z/25/3375572

Footpath Outside 84 Hill Street, Birmingham B5 4AB

- 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 2025/04359/PA.
 - The advertisement proposed is the installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit
-

Decision

1. Appeal A is allowed and planning permission is granted for the installation of 1no. BT street hub unit at Footpath Outside 84 Hill Street, Birmingham, B5 4AB in accordance with the terms of the application, Ref 2025/04292/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 84 Hill Street, Birmingham B5 4AB in accordance with the terms of the application, Ref 2025/04359/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 forms part of the wide pavement outside the large Grosvenor Casino building. This is a busy commercial area, with much passing traffic, near to New Street Station. The development would ostensibly replace a red telephone box that has been converted into a cash machine. Though not quite in the exact same location, the existing box is within the redline of the application and is identified on the submitted plans. As such, its removal could be controlled by condition.
7. At the time of my visit, this box had been heavily vandalised and was not in use. Notwithstanding the original design of the telephone box, there is no indication that this is considered a heritage asset in its own right. The Council has also not identified any designated, or non-designated heritage assets in the immediate area.
8. In addition to the existing phone box, there is a large amount of other street furniture in the vicinity of the site, including another free-standing illuminated advertising sign a short distance along the road, and other features such as road signage, lampposts and traffic signals, litter bins, bollards, e-bike racks, tall wayfinding signs and a piece of public art. There are also street trees and seating along John Bright Street, which create something of a gateway to the street and an area of attractive public realm.
9. As the existing phone box would be replaced, the development would clearly not add to the amount of street furniture or 'clutter' in this location. However, the replacement Street Hub (Hub) would not constitute a like-for-like replacement. It would be taller and wider than the existing phone box, be more monolithic and modern in appearance and, by virtue of the illuminated panels on each side, would be a far more overt and striking feature in the street scene. Nevertheless, it would be mainly seen in the context of either the large and imposing casino in one direction or the highway, large modern buildings and other advertising and signage in the other. With the backdrop of the casino building in particular, the Hub is unlikely to stand out as an unduly incongruous, discordant or overly prominent feature. It is also offset from the public realm on John Bright Street and thus would not erode its current character to any meaningful degree.
10. Similarly, other than the frontage of the bar/restaurant fronting John Bright Street, which itself is subsumed within more modern extensions above and to the side, the majority of development in the vicinity of the site is relatively modern, including the large and distinctive New Street Station. In this context, the Hub would not detract or clash with any sensitive architectural or historic features or unacceptably erode an area of important existing character. Nor would it stand out as an overtly inappropriate feature amongst an area of historic or notable buildings. While there would be an increase in illuminated signage in this area, this is unlikely to result in

undue harm to the character, appearance or amenity of this area, either in its own right or cumulatively with other features. This is particularly the case given that similar illuminated features already exist in the immediate area and thus it would not be seen as unusual.

11. As I have concluded there would be no harm resulting from the proposal, there is no reason to conclude that the development would prejudice the Council's ability to create or maintain a good quality public realm. Moreover, the Council has provided no evidence to suggest that there are any planned works for this area that would be stymied by this proposal.
12. In the context of this specific case, I am not persuaded that the Hub would result in unacceptable harm to the character, appearance or amenity of this 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.
13. 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.
14. The Council has also referred to DMB Policy DM2 in its decisions for both appeals. While this does not directly refer to matters of character, appearance or visual amenity, there would be no conflict with this policy in any event.

Other Matters

15. The appellant has referred to the removal of two other existing telephone boxes as being part of the proposal. These are not identified on any plans and are outside the redline of the application. No mechanisms to secure the removal of these boxes has been put before me and it is questionable whether this could therefore be controlled. These are both some distance from the appeal site and their removal has had no bearing on the acceptability of the proposal. The removal of these phone boxes is therefore not necessary to achieve an acceptable development.

Conditions

16. I have considered the conditions suggested by both parties in accordance with the relevant tests set out in the National Planning Policy Framework and regulations. With regard to Appeal A, in addition to the standard condition on timescales, I have imposed a condition specifying the relevant plans in the interests 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.
17. With regard to Appeal B, in addition to the standard conditions, I have imposed conditions controlling the level of illumination, moving images, minimum display time for each image and transition between images. There is some difference between the suggested conditions from the parties on illumination. On balance, I

am content with that put forward by the appellant which refers to the maximum permitted by the Institute of Lighting Professionals Lighting Guide. There is no particular evidence for more restrictive controls being imposed. I have also included a condition preventing advertisements resembling traffic signs to ensure drivers are not unduly distracted.

Conclusion

18. 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/25/3375732

- 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-36 001 Rev A – Existing Site Plan, BRM-36 002 Rev A – Proposed Site Plan, BRM-36 003 – Rev A Existing Site Elevation, BRM-36 004 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/25/3375572

- 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.