



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/25/3376018

Footpath Outside 7 St Mary's Row, Moseley, Birmingham B13 8HW

- 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 2025/04287/PA.
 - The development proposed is installation of New BT Street Hub.
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Appeal B Ref: APP/P4605/Z/25/3375839

Footpath Outside 7 St Mary's Row, Moseley, Birmingham B13 8HW

- 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 Mrs Verity Cheyne (BT Group PLC) against the decision of Birmingham City Council.
 - The application Ref is 2025/04368/PA.
 - The advertisement proposed is 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 dismissed.
2. Appeal B is dismissed.

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, including the Moseley Conservation Area (MCA) and nearby listed building.

6. 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

7. The appeal site sits on the pavement within a triangular area of land set between St Mary's Row, on two sides, and Alcester Road on the other. The site is within the large MCA and ostensibly forms part of the Moseley Neighbourhood Centre. The immediate area around the site is predominantly retail and commercial based in nature and appeared heavily trafficked at the time of my visit by both vehicles and pedestrians.
8. The development would result in the direct replacement of an existing telephone box that sits in front of a pleasant public space, which includes small grassed areas, low hedgerows and a several street trees. When combined with the public seating, railings and bollards, this creates a well-coordinated area of civic space, which provides something of a break in the high density and busy nature of the surrounding area. As such it appears as a focal point for the retail centre. This is confirmed by the MCA Character Appraisal and Management Plan (CAMP) (2005), which refers to this area as 'the Green'.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the MCA. The significance of the MCA appears to lie in the variety, quality and age of the architecture and, in this area particularly, the retained sense of the original village layout. Indeed, the CAMP highlights the fact that St Mary's Row forms the heart of 'Moseley Village'. While there have clearly been some alterations to shop fronts in the area, nearby buildings also appear to have retained much of their original character at first floor and above. This all adds to the significance of the MCA.
10. Although not referred to in the Council's reason for refusal, the appellant has drawn my attention to the Fighting Cocks Public House. This is a Grade II Listed Building, situated close to the appeal site. With regard to Appeal A, as set out in Section 66(1) of the Act, I must have special regard to the desirability of preserving the building or its setting. This is an ornate stone and red brick building, with a tall octagonal clock tower on the corner of King Edward Road and Alcester Road. The building has several ornate features, which combine to create a grand gateway to this part of the centre. The pavement outside the building contains similar features to that of the 'triangle' (such as the bollards) and is thus seen as a complementary adjunct to the civic space, to which the grandeur of the building clearly contributes. This building also clearly forms part of the special character of the MCA.
11. There is a relatively large amount of street furniture in the vicinity of the site. This includes seating, bollards, railings, litter bins, lampposts, road signage and traffic signals and bus stops, which include non-illuminated advertising. There is also a degree of street planting with aforementioned trees and hedgerows. As noted above, much of this forms part of a coordinated area of pleasant public space and does not appear as 'clutter'.
12. The existing telephone box does not however fall into this category. It is located in a highly prominent position at end of the area of seating and planting and does not

complement the space. It is also in a poor state of repair and could not be described a positive feature in the street scene.

13. However, the telephone box is a generally lightweight feature, with transparent panels on three sides and no advertising or illumination. It also has a relatively small footprint. Any harm caused is therefore limited in nature. In comparison, the proposed Hub would be a discernibly taller and wider feature, with bright illuminated advertisements. It would also appear as a more solid construction and be both modern and monolithic in appearance. By nature of both its size and appearance, this would be a far more overt and obtrusive feature than the existing telephone box.
14. While there is a significant amount of signage and some advertisements in the area, relatively little is illuminated, particularly at ground floor level. As such, the introduction of illuminated advertisements would also introduce a clearly incongruous feature into the area. That this area is commercial in nature, and that such features may be seen in other commercial locations, does not justify the introduction of a visually intrusive structure that would clearly be at odds with the traditional character and appearance of the street scene and nature of the civic space.
15. With respect to the Fighting Cocks pub, there is a short distance between the building and appeal site. However, when viewed along Alcester Road, both the building and Hub would be seen in context. Such views would often be glimpsed between passing vehicles, but the large and illuminated nature of the development would nevertheless be a highly visible feature that would be at odds with the traditional appearance of this listed building. The existing telephone box, as a far less conspicuous feature, is not likely to detract from the setting of the building to the same extent. As such, the development would also fail to preserve the setting of the listed building.
16. The development would clearly not add to the quantity of street furniture in this location. Nevertheless, for the reasons given above, it would not constitute a like-for-like replacement. The Hub would be materially more harmful than any 'fallback' of the existing telephone box remaining in-situ. Moreover, the harm that would be caused would not be satisfactorily mitigated by conditions controlling the brightness of the panels or their content.
17. With regard to Appeal A, the Hub would cause unacceptable harm to the character and appearance of the area and the MCA. This would conflict with Birmingham Development Plan (BDP) (2017) Policy PG3 which, amongst other things, seeks to reinforce or create a positive sense of place and local distinctiveness with design that responds to the local context.
18. BDP Policy TP12 states that development affecting designated heritage assets should be determined in accordance with national policy. The harm to the significance of the MCA and Fighting Cocks Public House would be less than substantial. In such cases, paragraph 215 of the National Planning Policy Framework (the Framework) states that in such circumstances, any harm should be weighed against the public benefits of the proposal.
19. The Framework supports high quality and reliable communications infrastructure, considering it to be essential for economic growth and social wellbeing. This is also supported by BDP Policy TP46. The Hub would contribute to meeting demand for

digital connectivity and services, including Wi-Fi, 5G, mobile connectivity and free mobile charging and be powered by renewable carbon-free energy. It would also provide access to emergency services. When considered in isolation, the benefits from a single Hub would be relatively modest and there is no indication that they could not be achieved in a less harmful manner than proposed.

20. The appellant has referred to the potential for advertising for local businesses, free services to the Council and the ability to use the Hub for monitoring things such as air quality. However, I am not persuaded that these specific matters could be required by condition and thus there is nothing before me that would secure these benefits or that the Council would wish to use the Hub for monitoring purposes. These factors have therefore not weighed significantly in favour of the development.
21. The removal of the existing telephone box may result in some small benefit in terms of reducing the risk of associated anti-social behaviour, though this would clearly be tempered by the increase in other harms as set out above. Two other telephone boxes are ostensibly to be removed as part of the development. However, these are not within the redline of the application or identified on any plans. Notwithstanding the question of whether there is any appropriate mechanism for securing the removal of these boxes, they are both some distance from the appeal site, both outside the MCA and neither would provide any mitigation for the specific harm caused to the MCA or setting of the listed building. Even if this could be secured, the removal of these telephone boxes, of which little detail has been provided, would not amount to a substantial public benefit.
22. There is sufficient street lighting in the immediate vicinity of the site already and thus the Hub would provide no specific benefit in terms of pedestrian safety. Similarly, the fact that the Hub would be inspected and cleaned at regular intervals is not a direct benefit of the development, rather it would merely be a by-product of installing the Hub. Regular maintenance would be the least that would be expected.
23. In my view, the public benefits of the development would not outweigh the less than substantial harm to either the MCA or the Grade II listed building. Accordingly, with regard to Appeal A, there would also be conflict with BDP Policy TP12 which seeks to preserve designated heritage assets.
24. With regard to Appeal B, I have taken account of BDP policies PG3 and TP12 and Development Management in Birmingham (2021) Policy DM7, which seeks to ensure advertisements do not cause harm to amenity. Given I have concluded the proposed advertisements would harm amenity, the proposal conflicts with these policies.

Other Matters

25. It is axiomatically the case that whether or not developments such as this are acceptable will be dependent on the specific context of each proposal. There is no clear evidence that any of the examples provided by the appellant are directly comparable to that before me and thus they are of limited relevance. Similarly, the fact the Council has allowed Hubs elsewhere in the City does not mean that any and all proposals must also be considered acceptable. There is little evidence to suggest that the Council has been inconsistent in its consideration of this proposal against others. These examples do not therefore justify the introduction of a Hub in this location.

Conclusion

26. With regard to Appeal A, the proposal would conflict with the development plan when read as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. With regard to Appeal B, the advertisements would cause unacceptable harm to the amenity of the area. Accordingly, both Appeal A and Appeal B should be dismissed.

S J Lee

INSPECTOR