
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/25/3375725

Footpath Outside 86C Old Snow Hill, Birmingham B4 6HW

- 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 2025/04277/PA.
 - The development proposed is the installation of 1no. BT street hub unit.
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Appeal B Ref: APP/P4605/Z/25/3375565

Footpath Outside 86C Old Snow Hill, Birmingham B4 6HW

- 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 2025/04375/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 (the 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 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 setting of the Jewellery Quarter Conservation Area (CA) and nearby designated and non-designated heritage assets.

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 forms part of the pavement on the junction of Old Snow Hill and Water Street. The site sits outside, but close to the edge of the CA and is within the setting of the Grade II listed buildings located at 1-7 Constitution Hill. The site is immediately outside a locally listed building and, according to the Conservation Area plan submitted by the Council, another locally listed building sits directly opposite the site across Water Street.
8. With regard to Appeal A, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving listed buildings or their settings. Paragraph 216 of the National Planning Policy Framework (the Framework) requires the effect of an application on the significance of a non-designated asset to be taken into account. Paragraph 219 of Framework states that proposals which preserve the elements of the setting of a heritage asset should be treated favourably.
9. This is a busy crossroads with a significant amount of passing traffic. The proposed Hub would introduce a new element of street furniture close to two bus shelters, with non-illuminated advertising in panels facing the road, and other elements of street furniture including litter bins, signage, traffic signals and lampposts.
10. The boundary of the conservation area is Water Street. The buildings facing the appeal site in this location create an impressive gateway to the area, due to their scale, their architecture and the materials used. The frontage of the Grade II listed building is particularly impressive, with its narrow 5 storey circular tower facing the road, coupled with ornate detailing around the windows. Although the building does not appear to be in a good state of repair, and there have been some unsympathetic alterations, this does not alter the overall grandeur of the building or its imposing presence in the street scene. This is complemented by the locally listed building opposite, which though less ornate utilises similar terracotta materials.
11. Although No 86 is outside the CA and is not of the same scale or character as the buildings opposite, there is still a degree of architectural detailing, particularly the archway over the main entrance. While not of the same standing as the Grade II listed building, No 86 still complements the buildings that are in the CA.
12. The Hub would be about 3 metres in height and 1.2 metres in width, with illuminated panels on each side. Given both its size and appearance, this would appear as a large, monolithic and modern structure that would not complement the built form in its immediate vicinity. When looking toward the CA, the Hub would be seen in context with the listed building and other locally listed assets and would detract from their significance. While there is a significant amount of existing street furniture, not all of which is complementary itself, the introduction of this large, illuminated feature would still be a somewhat incongruous feature. Moreover, by virtue of its form and function, this would be far more conspicuous than other examples of street furniture thus it would serve to exacerbate any issues resulting from the proliferation that already exists.

13. I acknowledge that when looking in the opposite direction, the backdrop of the Hub would be both the bus stops and a range of modern buildings. A more modern building also sits on the opposite side of Old Snow Hill. The area is also predominantly commercial in nature, where such features may not necessarily be unusual in principle. Nevertheless, in more sensitive views, the Hub would still strike a jarring contrast with, and detract from, the character, appearance and amenity of the area and the settings of the CA, the listed building and the nearby locally listed buildings. Imposing conditions on the brightness or nature of the advertisements would not mitigate this harm.
14. The proposal ostensibly seeks to remove two other telephone boxes. One of these is located on Constitution Hill and the other on Newhall Street. The Constitution Street example is in relatively close proximity to the appeal site, but the Newhall Street example is some distance away. Neither of these examples are within the redline of the application or identified on any submitted plans. There is therefore a question of whether there is any appropriate mechanism for securing the removal of these boxes.
15. Nevertheless, although the Constitution Hill example is within the CA, it is in a far less prominent location than the appeal site, as it sits away from the junction on a quieter road. It is also of a lightweight construction, with one open side and two transparent panels on two others. Although deeper than the Hub, it is also shorter and narrower than what is proposed and does not contain any illumination. The two features are quite different, with different effects. Its position on Constitution Hill also does not compete with views of the frontage of No 1-7 in longer distance views from Old Snow Road in the same way that the proposal would. It is also well separated from the existing street furniture around the junction, whereas the Hub would add to the accumulation in that location.
16. The Newhall Street example is not well related to the appeal site. While its removal would reduce the overall amount of street furniture in the CA as a whole, it would not mitigate the harm that would be caused in this specific location.
17. The issue of the effects of street 'clutter' are also not purely quantitative. Here, the introduction of additional street furniture of the type proposed in this location would be materially more harmful to sensitive local character than any 'fallback' of leaving the existing boxes in place.
18. With regard to Appeal A, the unacceptable harm to the character and appearance of the area 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.
19. BDP Policy TP12 states that development affecting designated heritage assets which be determined in accordance with national policy. The harm to the significance of the listed buildings 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.
20. The Framework supports high quality and reliable communications infrastructure, considering it to be essential for economic growth and social wellbeing. This is also supported in principle 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.
21. 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, it is not clear to me that these could be required by condition and thus there appears to be 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.
 22. Even if the removal of the other telephone boxes referred to could be secured, this would not provide substantial public benefits in terms of the effect on the built form. Any benefits associated with potential anti-social behaviour from use of the boxes, of which no particular evidence has been provided, would also be limited. There is also sufficient street lighting in the area already and thus the Hub would provide no 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. Taken together, I do not consider the public benefits of the proposal outweigh the less than substantial harm to either the CA or the nearby listed buildings.
 24. With regard to the nearby non-designated heritage assets, paragraph 216 of the Framework states that a balanced judgement will be required having regard to the scale of any harm and the loss of significance of the asset. In my view, the siting of this discordant feature directly outside the locally listed building would detract from its architectural significance, particularly the juxtaposition of illuminated advertising and the ornate entrance features of the building. This would add to any cumulative harm from existing street furniture and the quality of the public realm. Accordingly, taking a balanced approach, the benefits would not outweigh the harm caused to the significance of this asset.
 25. Accordingly, with regard to Appeal A, there would also be conflict with BDP Policy TP12 which seeks to preserve heritage assets. With regard to Appeal B, I have taken account of BDP policies PG3 and TP12 and Development Management in Birmingham Development Plan Document (DMB) (2021) Policy DM7, which seeks to resist advertisements which cause harm to amenity. Given I have concluded the proposed advertisements would harm amenity, the proposal conflicts with these policies.
 26. The Council has referred to Policy DM2 of the DMB in their decision notice for Appeal A. However, I do not consider this policy is relevant to this appeal as it does not relate specifically to matters of character, appearance or visual amenity. This does not alter the conflict I have found with the development plan as a whole

Other Matters

27. Whether a proposal such as this will be acceptable or not will be highly dependent on the context of each site. There is no clear evidence that the examples provided by the appellant of successful appeal decisions are directly comparable to that before me and thus they have not weighed in favour of the proposal. Similarly, the

fact that the Council has ostensibly seen fit to approve Hubs in other parts of the City does not mean that it must approve all such proposals. Context will again be the determining factor, and it is reasonable to assume there will be circumstances where such proposals will be acceptable. There is no indication the Council has approached the issue in an inconsistent manner. As such, the other Hubs in the City do not justify this proposal or the harm it would cause.

28. The fact the Council does not appear to have consulted its own conservation officers is not a relevant factor. I have been able to assess for myself what effect the development would have on heritage assets.

Conclusion

29. 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