



Appeal Decisions

Site visit made on 24 March 2026

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 April 2026

Appeal A Ref: APP/E3335/W/25/3375698

Pavement o/s 29-31 North Street, Taunton

- 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 38/25/0151.
 - 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/25/3375700

Pavement o/s 29-31 North Street, Taunton

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (Advertisement Regulations) 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 38/25/0148/A.
 - The advertisement proposed is display of 2. No digital LCD display screens on street hub unit.
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Decisions

1. Appeal A is allowed and planning permission is granted for installation of 1no. BT Street Hub and removal of associated BT payphones at Pavement o/s 29-31 North Street, Taunton, in accordance with the terms of the application, Ref 38/25/0151, and the plans submitted with it, subject to the conditions in the attached schedule.
2. Appeal B is allowed and express consent is granted for the display of 2. No digital LCD display screens on street hub unit at Pavement o/s 29-31 North Street, Taunton, in accordance with the terms of the application, Ref 38/25/0148/A. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the additional conditions at the end of these decisions.

Preliminary Matters

3. The two appeals concern the same proposal on the same site. Appeal 'A' concerns the refusal of planning permission to erect a BT street hub. Appeal 'B' concerns the refusal of express consent to display digital advertisements on both sides of the street hub. I have considered each appeal on its individual merits, however, as they raise similar issues, I have combined both decisions into one decision letter.
4. Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to

control only in the interests of amenity and public safety. In determining Appeal B, the development plan policies are not determinative, but I have taken them into account in determining the appeal against the refusal of planning permission.

5. The two existing KX100 telephone kiosks to be removed include those sited within the pavement adjacent to 5-9 The Bridge, Taunton, TA1 1UQ, and Pavement o/s Lloyd's Bank, 31 Fore Street, Taunton, TA1 1HN. During my site visit, I noted that these obsolete kiosks were still present at the locations identified.

Main Issues

6. The main issues in Appeal 'A' are:
 - the effects on the character and appearance of the area, including the surrounding townscape and its effects on the settings of various designated heritage assets;
 - the effects on public safety;
 - highway safety and pedestrian movement; and
7. The main issues in Appeal 'B' are the effect of the proposed advertisements on:
 - visual amenity; and,
 - public safety.

Reasons

Character and appearance, heritage assets and visual amenity

8. The Street Hub would measure 2.9m by 1.2m and would be 0.35m deep and the materials of construction surrounding the glass digital advertisement screens would be dark in colour. Amongst other functions, the Street Hub would provide free telephone calls, Wi-Fi and 5G services to some networks. As a digital advert display, it would also be sited to be visible within the street, standing around 0.5m from the footway edge and 4m from the closest building at No 31 North Street. It would also be sited around 2m from a loading bay area within the footway.
9. As is relatively typical of busy, commercial town centres, the area has a mixed character, with historic buildings, mixed with more modern infill buildings, shopfronts predominating ground floor spaces with a range of signage and colour themes adding vibrancy to the scene. The area where the 'Street Hub' would be located is within an area with generous areas of footway which accommodate loading bays, cycle stands, public benches and wastebins. As such, features and furniture within the public realm are not uncommon. Furthermore, as the area adjacent to the Street Hub is a designated loading bay, intermittently parked vehicles can also regularly add clutter to the streetscene.
10. I also noted that there are digital advert displays within bus shelters at The Bridge and separately at East Street. Whilst these form a part of the shelter structure, the scale of the advert display is similar to the proposed Street Hub. The locations of these bus shelters also contain a range of both historic and more modern buildings and the advertisements do not appear incongruous as part of these respective parts of the town centre public realm.

11. The size and form of the Street Hub would not be overly bulky as a standalone item within this section of street but it would nonetheless add an item of clutter in a prominent position.
12. As the proposal would be close to a number of listed buildings, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess. As the proposal would also be close to the St Mary and St James Conservation Area (the CA), I am required under the terms of the Framework to consider the particular significance of any heritage asset that may be affected, including by development affecting the setting of a heritage asset.
13. The affected listed buildings are the Grade II listed 29 and 30 North Street to the north of the site, No 16 and Bank on the opposite side and south of the street, and the Grade II listed railings, gates and gate piers at the Congressional Church entrance to the south. Though listed separately, Nos 29, 30, 16 and The Bank are three listed buildings which are all early/mid C19, three storey buildings with painted brick facades, slate roofs, historic windows and detailing. The listing descriptions for all of these buildings note their modern shop fronts at ground floor level. Their significance is derived from their historic fabric, architectural value and the aesthetic contribution the buildings make as a coherent group within the streetscene.
14. The former Debenhams building to the opposite side of the street is locally listed. Whilst it also has a modern shop front at ground floor, the impressively scaled building follows the curvature of the street and presents an austere, art deco façade from first and second floor levels.
15. The significance of the CA derives from the special historic and architectural interest of an area of buildings which signify a particular period of the evolution of the town which has distinctive streetscapes. The area largely comprises simple Georgian and early C19 architecture with coherence across the use of brickwork, slate roofs and period fenestration, although it is interspersed with the higher status religious buildings. Nos 29 and 30 along with the pavement to their frontages and also includes the entrance to the Congressional Church, including the listed gate and piers.
16. As a generous area of footway on a through route within a busy town centre environment from which the function of the respective buildings' is understood, the appeal site contributes only a minor degree to the significance of the aforementioned listed buildings, including No 16 and The Bank, and the locally listed former Debenhams building. For similar reasons, the appeal site makes a negligible contribution to the significance of the CA. The appeal site does not contribute to the significance of the listed railings, gates and gate piers of the Congressional Church which exist to set the Church away from the street as a marker of its function and status.
17. The appeal proposal would introduce a noticeable item of modern street infrastructure within the footway. Whilst within a busy, urban streetscene, there would be an impact on longer views towards No 1 St James Street which is a feature building on a prominent corner at the entrance to St James Street within the CA. Closer range views towards No 29 and 30 would also be partly altered.

However, other street-level and longer range views towards No 16 and the Bank, the CA and former Debenhams building would remain largely unchanged.

18. Drawing the above together, there would be a minor negative effect on the character and appearance and visual amenity of the area. The proposal would also harm the settings and thus significance of the CA and Nos 29 and 30 North Street to a minor degree. As such, there would be a degree of conflict with, in particular, policies D1 and D3 of the *Site Allocations and Development Management Plan* (adopted 2016) (SADMP) and policy CP8 of the Taunton Deane Core Strategy (adopted 2012) (Core Strategy). This policy seeks to conserve and enhance the natural and historic environment.
19. Under the terms of the Framework, the identified harm to the significance of heritage assets would be less than substantial and at the lower end of such a spectrum of harm. I return to this matter further below.

Public safety

20. The public safety concerns raised include risks of criminal damage, graffiti, encouragement to loiter and increased use of mobile devices within the public realm, thus increasing the chances of street robberies. Other concerns relate to the potential for misuse such as being used to buy illegal drugs and interference with CCTV camera images.
21. The purposes for which people make telephone calls is difficult to control but it seems unlikely that more publicly audible calls would be made for unlawful purposes and the intention would be for such technology to replace existing local telephone kiosks which could equally well be used for similar purposes in any event. The Wi-Fi range would extend to around 150 metres from the Street Hub so the instances of people using their devices in a public place would be unlikely to materially increase based specifically on the availability of Wi-Fi over such a range.
22. The appellant has also submitted an Anti-Social Behaviour Management Plan (ASBMP) which also includes reporting mechanisms and a requirement to remotely monitor the installation daily and also physically inspect it on a fortnightly basis. The ASBMP could form a requirement of a planning condition.
23. Whilst the latest screens are designed to ensure that glare does not disrupt CCTV, the appellant has offered to accept a condition limiting the luminance of the displays to 300 candela per square metre (cd/sqm), which is a significant reduction compared to the typical 600cd/sqm.
24. I conclude on this issue that, subject to a condition to secure the ASBMP, there would be no unacceptable risk to crime safety from the proposal and the proposal therefore complies with Policy D3 of the SADMP.

Highway safety and pedestrian movement

25. In terms of any impact on pedestrian movements, the Street Hub would be around 1.2m wide and 0.3m deep so would not present a particularly large obstruction of a footway which is over 4m wide. Furthermore, the Street Hub would be positioned between existing cycle stands and a loading bay which already have an effect on the route that pedestrians take within the footway. As such, I do not consider that pedestrian movement would be materially affected by the proposal.

26. No site selection process has been offered and neither has a Road Safety Audit been submitted to corroborate the appellant's position that the proposal would not prejudice highway safety. However, the Street Hub would be sufficiently offset from the loading bay to allow for vehicles to manoeuvre into and out of the spaces and could do so with due caution to ensure the safety of pedestrians and cyclists.
27. There is a signalised junction around 40m to the north of the appeal site. The crossing is situated on a curved point of the road so that the Street Hub would not be in direct alignment with traffic waiting at the crossing in either direction. For traffic travelling in a northerly direction which would be closer to the Street Hub whilst waiting at a red signal, the Street Hub would be on the opposite footway and the line of sight for drivers would be beyond the Street Hub. For traffic travelling southwards, the Street Hub would be at a distance from any queued vehicles so as to limit its potential to be a distraction and would come into view more clearly when cars are moving off from the crossing at a green signal.
28. The reduced luminance of the adverts offered at the Street Hub would minimise the potential for the Street Hub to be a distraction to motorists in the area, noting also that some similar features already exist in the wider area in similarly busy urban contexts.
29. I have also considered the potential effect on the visibility for drivers emerging from the Congressional Church set between Nos 32 and 33 North Street. That particular access is used in association with the Church and its peak usage would most likely occur outside of the busiest times for pedestrian footfall along North Street. The Church frontage area also has a limited capacity for parking so the number of vehicles using the access is relatively limited. Furthermore, the visibility splays to the north can often be obscured by parked vehicles within the loading bay so the Street Hub would be of limited additional consequence.
30. I therefore conclude, that given its proposed siting and subject to conditions to control the form of the proposed advertisements as well as luminance, there would be no material harm to highway or public safety including vehicle users, pedestrians and cyclists. As such, there would be no conflict with policy D3 of the SADMP in this regard.

Planning Balance

31. Insofar as there would be a minor negative effect on the character and appearance and visual amenity of the area and harm to the significance of the three designated heritage assets, there would be a conflict with the development plan when taken as a whole.
32. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I have identified less than substantial harm at the lowest end of the spectrum in relation to three designated heritage assets: the CA, No 29 North Street and No 30 North Street.
33. The proposed Street Hub would serve a dual purpose in providing both telecommunication services and in hosting advertising intended to fund these functions. The provision of the telecommunications element, including Wi-Fi and public information, in line with the advice in the Framework, would provide some benefit, which therefore weighs in favour of the structure.

34. In addition, the proposal would also result in the removal of two obsolete telephone kiosks which also occupy positions in close proximity to the CA and other similarly listed designated heritage assets. As such, the benefit of securing these removals would at least offset the harm that would occur through the siting of the proposed Street Hub. Taken with the telecommunications benefits of the proposal, these tip the balance in favour of the proposal such as to outweigh the less than substantial harms to the significance of the designated heritage assets.
35. The aforementioned benefits also outweigh the identified conflict with the development plan to the extent that they indicate that a decision should be made other than in accordance therewith.

Conditions

Appeal A

36. As well as the standard time condition, a condition relating to compliance with the approved plans is necessary, in the interests of providing clarity and certainty. A condition is also attached requiring removal of the two identified telephone kiosks. This is required in the interests of the character and appearance of the area and the appellant has agreed to the application of this condition.
37. Adherence to the ASBMP should be required by condition to ensure the effectiveness of anti-social behaviour management measures.

Appeal B

38. A series of five standard conditions are applied as required by the Regulations. I have also considered the conditions suggested by the appellant. In the interests of visual amenity, particularly given the heritage sensitivities and need to minimise effects on the effectiveness of CCTV, the intensity of the illumination of the sign between dusk and dawn should be limited by planning condition. For similar reasons, conditions are applied in respect of details of the display time of advertisements and transitions between them, and there being no moving images. In the interests of public safety, a condition is added to ensure that no advertisements resemble traffic signs.

Conclusions

39. For the reasons given above, I conclude that both appeals should be allowed, and planning permission and advertisement consent granted.

H Nicholls

INSPECTOR

Schedule A: Conditions in respect of Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site location maps, Ref 001 A
 - Existing and proposed elevations, Ref 003 A
 - Proposed site plan, Ref 002 A
- 3) Before the BT Street Hub and adverts hereby approved are brought into use, the existing BT payphone kiosks indicated for removal at 5-9 The Bridge, Taunton, and at Pavement o/s Lloyd's Bank, 31 Fore Street, Taunton, shall be removed in their entirety and the respective areas of land made good to the same condition as adjacent land.
- 4) The BT street hub, including its electronic features, shall be managed in accordance with the BT Street Hub Anti-Social Behaviour Management Plan, April 2021, for the lifetime of the development.

Schedule B: Conditions in respect of Appeal B

In addition to the standard conditions in the Regulations:

- 1) The intensity of the illumination of the two digital display screens shall not exceed 300 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 displays and the display will 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.

-----END OF SCHEDULES OF CONDITIONS