



Appeal Decisions

Site visit made on 6 March 2026

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2026

Appeal A: APP/P0240/W/25/3376394

Footpath outside 11 High Street North, Dunstable LU6 1HY

- 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 Verity Cheyne of BT Group PLC against the decision of Central Bedfordshire Council.
 - The application reference is CB/25/02764/FULL.
 - The development proposed is described as 'installation of 1 no. BT Street Hub unit and associated advertisement panels on either side of the unit.'
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Appeal B: APP/P0240/H/25/3376396

Footpath outside 11 High Street North, Dunstable LU6 1HY

- 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 Verity Cheyne of BT Group PLC against the decision of Central Bedfordshire Council.
 - The application reference is CB/25/02765/ADV.
 - The advertisement proposed is described as 'installation of 1 no. BT Street Hub unit and associated panels on either side of the unit.'
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As Appeal B relates to a refusal to grant express consent for an advertisement, I have had regard to Section 3(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations). This limits my considerations to those relating to amenity and public safety. Section 3(2) of the Regulations and the national Planning Practice Guidance confirm that factors relevant to amenity include the presence of any feature of historic, architectural, cultural or similar interest. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration. However, they have not, by themselves, been determinative for Appeal B.
4. The Council raises no concerns in relation to public safety or residential amenity. Based on the evidence before me and my site visit, I find no reason to take a contrary view to the Council on these matters.

5. The appeal site lies in close proximity to a listed building. While the Council raises no objections in respect to the setting of the listed building, I have a statutory duty as set out under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses in my decision for Appeal A. Given my statutory duty and based on my site visit and the evidence before me, I have given both main parties the opportunity to comment on this matter and have taken any comments received into consideration.

Main Issue

6. The main issue for both appeals is the effect of the proposal on the character and appearance/amenity of the area.

Reasons

7. The proposal seeks to remove an existing phone box, which contains a static advertisement and install a new BT Street Hub unit, which would have internally illuminated digital advertisements on either side. The appellant advises that the proposal would provide a modern, multifunctional alternative to a traditional mast. The proposal would be sited on a relatively wide section of pavement, within the town centre. There are a mix of uses in the locality, including retail, commercial and food and drink premises. There is a variety of street furniture in the immediate locality including planters, street lighting, road signs, cycle stands, a grit bin, waste bins, a bus shelter and a wayfinding sign. There is also a variety of advertisements in the locality including fascia signs, projecting signs, A boards and advertisements within a nearby bus shelter and phone box. Internally illuminated, externally illuminated and digital advertisements are present in the locality.
8. The appeal site lies within the Dunstable Conservation Area (CA). Section 72(1) of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a CA. This statutory duty applies to advertisement appeals insofar as it relates to the consideration of 'amenity'.
9. The CA contains a multitude of high quality historic buildings of differing styles and periods, including some more modern development. The significance of the CA insofar as it relates to these appeals is derived from its medieval street pattern, presence of historic buildings and use of traditional materials, which signify the town's evolution as a historic market town.
10. The appeal site is located a short distance away from '13, High Street North', which is a Grade II* listed building (Ref: 1114592). '13, High Street North' is a former gatehouse, which dates back to the early 17th century. It is constructed of red brick with stone dressing. It has an arched carriageway with Roman Doric half columns and entablature. On the first floor are traditional stone mullion casement windows. Based on my site visit and the evidence before me, I find that the special interest of the listed building is derived from its historic and architectural interest, as an illustration of an early 17th century gatehouse. The building's surviving historic fabric, presence of traditional materials and its pleasing architectural design make important contributions in these regards.
11. The existing phone box has been in place for some time and appears slightly rundown. The proposal would have a smaller footprint and overall mass when

compared to the existing phone box. It would be sited slightly further away from the listed building than the existing phone box and would maintain the general alignment of street furniture in the locality. In comparison to the existing phone box, the proposal would be higher in height, wider and feature digitally illuminated advertisements on either side. The black colour of the hub, with its striking, digitally illuminated advertisements would appear as a more prominent and obtrusive structure in the street scene when compared to the existing phone box and the advertisement within it and would not result in a reduction in visual clutter.

12. The proposal would harmfully discord with the historic environment in which the appeal site lies. It would harm the amenity of the locality and fail to preserve the special interest of the Grade II* listed building and the character and appearance of the CA. I do not find that the presence of existing trees and street furniture would mitigate the harm that I have identified.
13. I appreciate that there is a digitally illuminated advertisement in the locality. However, the existing digitally illuminated advertisement is incorporated within the bus shelter and is not a freestanding structure. It is also further away from the Grade II* listed building than the appeal proposal. Nevertheless, I do not find that the presence of existing illuminated and digitally illuminated advertisements in the locality justifies the harm that I have identified above.
14. For the reasons given above, I find that the proposal would be unduly harmful to the character and appearance/amenity of the area. Furthermore, it would fail to preserve the setting of a Grade II* listed building and the character and appearance of the CA.
15. Given the nature of the proposal, I find the harm to the significance of the listed building and the CA to be 'less than substantial' and at the lower end of the scale. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Paragraph 213 states that any harm to, or loss of, the significance of a designated asset, including from development within its setting should require clear and convincing justification. Paragraph 215 of the National Planning Policy Framework (the Framework) advises that this harm should be weighed against the public benefits of the proposal, including where appropriate, securing the asset's optimum viable use.
16. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
17. In respect to Appeal B, the Regulations require that I exercise my powers with regards to amenity and public safety only. The proposed benefits therefore cannot be taken into consideration in my decision for Appeal B.
18. For Appeal A, the proposal would among other things provide enhanced connectivity, free, ultrafast and encrypted Wi-Fi, free phone calls, device charging, an emergency 999 call button, public messaging capabilities and include environmental monitoring, including traffic and air quality. The proposal would be powered by 100% renewable energy.
19. The appellant argues that the proposal would reduce anti-social behaviour associated with the existing phone box and that the proposed advertisements

would provide additional illumination, which would help to reduce crime. However, there is no compelling evidence before me that anti-social behaviour has been a particular problem with the existing phone box. I also observed street lighting in the locality and find that any illumination from the advertisements would be very localised. Consequently, I give these arguments limited weight in my decision. I do not find that regular cleaning and maintenance of the hub is a public benefit, as this is expected in such a scheme.

20. The proposal would provide a variety of public services. However, the benefits to the public at large from a single hub are likely to be relatively modest. There is also no appropriate mechanism before me to secure the use of the advertisement for community or Council related communications. Furthermore, there is no clear and convincing justification before me that this is the least harmful way of delivering these benefits.
21. Overall, I give the public benefits of the proposal limited weight in my decision. Consequently, in attributing considerable importance and weight to the identified harm to the significance of the designated heritage assets, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm.

Other Matters

22. I acknowledge that no objections were raised to the proposal by the local highway authority or Public Protection team and that no comments were received from the Council's Conservation Officer. However, this does not alter my findings set out above.
23. The appellant has drawn my attention to a number of other appeal decisions. However, full details of the circumstances of the other schemes are not before me. Nevertheless, some of the other appeal schemes were not within a CA or within the setting of a listed building and are therefore materially different to the proposal before me. Where schemes were within a CA or within the setting of a listed building(s), there is no compelling evidence before me that the hubs were sited as close to the listed building as in the current appeal scheme. The other schemes were also located in different towns and cities and therefore the context was materially different. Consequently, I give the other appeal schemes limited weight in my decision.

Conclusion

24. Given the above, I conclude that, on balance, the proposal would harm the amenity of the locality and would fail to preserve the setting of the listed building and the character and appearance of the CA. The proposal would fail to satisfy the requirements of the Act and the historic environment protection policies of the Framework. Insofar as is relevant, the proposal would conflict with Policies HQ1 and HE3 of the Central Bedfordshire Local Plan 2015 – 2035, adopted July 2021. These policies among other things seek to preserve, sustain and enhance the significance, appearance and historic interest of heritage assets and take account of opportunities to enhance or reinforce the local distinctiveness of the area.
25. For the reasons given above, and taking into account all matters raised, both Appeals A and B are dismissed.

A James INSPECTOR