



Appeal Decisions

Site visit made on 2 April 2026

by **D Marley BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 May 2026

Appeal A Ref: APP/U3935/W/25/3376716

Pavement outside of Regent Circus, Swindon SN1 1PR

- 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 Mr Simon Warner of BT Telecommunications PLC against the decision of Swindon Borough Council.
 - The application Ref is S/25/0752/JP.
 - The development proposed is the installation of 1no. BT Street Hub.
-

Appeal B Ref: APP/U3935/Z/25/3376506

Pavement outside of Regent Circus, Swindon SN1 1PR

- 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 Mr Simon Warner of BT Telecommunications PLC against the decision of Swindon Borough Council.
 - The application Ref is S/ADV/25/0753/JP.
 - The advertisement proposed is installation of 2no. digital 75" LCD display screens, one on each side of the Street Hub unit.
-

Decisions

1. Appeal A is allowed and planning permission is granted for the installation of 1no. BT Street Hub at Pavement outside of Regent Circus, Swindon SN1 1PR, in accordance with the terms of the application, Ref S/25/0752/JP, subject to the following conditions:
 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: 001 Rev A, 002 Rev A, 003 Rev A.
2. Appeal B is allowed and express consent is granted for installation of 2no. digital 75" LCD display screens, one on each side of the Street Hub unit at Pavement outside of Regent Circus, Swindon SN1 1PR, in accordance with the terms of the application, Ref S/ADV/25/0753/JP. The consent is for 10 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations, and the following additional conditions:
 1. The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 600 cd/m² between dusk and dawn.
 2. The illumination of the advertisements permitted by this consent shall not be flashing or be otherwise intermittently illuminated, and the advertisements

permitted by the consent shall not display any moving, or apparently moving, images.

3. The rate of content change of the advertisements permitted by this consent shall be limited to no more than once every 10 seconds. The time interval between changes of content shall be no greater than 1 second with no swiping or other animated transition methods between successive displays.

Preliminary Matters

3. The two appeals relate to the refusal of planning permission for the proposed communications hub (Appeal A) and the refusal of advertisement consent for the integrated advertisements (Appeal B). I have considered each appeal on its own individual merits, however, given the integral nature of the advertisements to the communications hub and the similarity between the reasons for refusal, it is appropriate to consider both appeals in a single decision letter.
4. In relation to Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 identifies that the power to control advertisements may be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
5. Although the description of development in the application form for the communications hub refers to the removal of BT payphones, there are no payphones within the red line of the site location plan submitted with the appeal. Given the proposal before me, I cannot grant planning permission for their removal and have therefore removed this wording from the description of development.
6. I have taken the site location from the decision notices, as this more accurately describes the site.

Main Issues

7. The main issues with respect to Appeals A and B are:
 - the effect of the proposals on highway safety/public safety; and
 - the effect of the proposals on the character and appearance/visual amenity of the area.

Reasons

Highway safety / public safety

8. The appeal site is located on a relatively wide section of footway, between 2 items of street furniture. The section of highway immediately adjacent to the appeal site is one-way. There are 2 pedestrian crossings in close proximity to the appeal site where vehicles are travelling broadly west along Regent Circus. Further distant are pedestrian crossings where vehicles are travelling broadly east along a separate section of Regent Circus. The above crossings are not controlled by traffic lights.
9. Given the one-way nature of the section of highway adjacent to the appeal site, and the distance between the appeal site and the crossings, vehicles travelling in a westerly direction along Regent Circus will have passed the communications hub and advertisements well before they reach the 2 subsequent pedestrian crossings.

These drivers would therefore be unlikely to be distracted by the hub or advertisements. Equally, whilst the hub would be somewhat larger in scale than some other items of street furniture, the distance between the appeal site and these 2 crossings is nevertheless such that any pedestrians waiting to cross would be clearly visible to oncoming vehicles, as would vehicles be to pedestrians.

10. Whilst the communications hub and advertisements would be visible for vehicles travelling in a broadly easterly direction along the separate section of Regent Circus, the pedestrian crossings over these parts of the highway are a significant distance from the appeal site. The distance is such that neither the hub, nor the associated changing advertisements, would be prominent within driver views, nor given the significant separation would visibility of pedestrians be impeded for oncoming traffic. In addition, pedestrians using these crossings and looking towards oncoming traffic would be looking away from the appeal site, and the view of oncoming vehicles would not therefore be obstructed.
11. Therefore, although I acknowledge that the pedestrian crossings are not controlled by traffic lights, neither the hub nor the associated advertisements would be likely to distract drivers nor obscure views of or from nearby pedestrian crossings. As such, the proposals would not be harmful to highway or public safety in this regard.
12. I acknowledge that the proposal would introduce an additional item of street furniture, which would need to be navigated by pedestrians, including those with disabilities. However, the relatively wide nature of the footway is such that pedestrian movement would not be obstructed by the introduction of the proposals. Given this, pedestrian movement would not therefore be adversely affected.
13. Equally, given its location directly between 2 other items of street furniture, the proposals would not be a surprising addition to the footway. As such the proposals would not be likely to harmfully increase the number of potential obstructions on the footway, and thus associated risk, to those blind or partially sighted.
14. Given the above, taken together the proposals – including Appeal B, insofar as the provisions of the development plan are relevant – would not have a harmful impact on highway safety or public safety. The proposals would comply with the relevant provisions of Policies TR2 and DE1 of the Swindon Borough Local Plan 2026, insofar as these require proposals to be safe and legible, and to not result in detriment to highway safety.

Character and appearance / visual amenity

15. The appeal site is located on a street largely commercial in character, with a wide variety of commercial shopfronts and signage nearby. Also in proximity to the appeal site are items of street furniture of varying size, including planters, road signage, streetlights, black street boxes, and bollards. There is public open space close to the appeal site, and at my site visit there was some construction work underway on part of the open space.
16. The proposals would result in the erection of a communications hub finished in galvanised steel, with a black exterior finish, and would include advertisements on both sides of the hub.
17. Whilst the communications hub would be visible within the street scene, including from areas of public open space, it would be perceived against a varied backdrop

of existing street furniture, some of which is a similar or greater height and extent than the proposal. The hub would not therefore be of a size or scale that would appear out of place within the street scene. Equally, given the presence of nearby black street boxes, the introduction of a black structure would integrate effectively with existing street furniture. The communications hub would not therefore appear either prominent or obtrusive, nor out of place when viewed from nearby public open space.

18. Given its location within a largely commercial area, the introduction of the proposed advertisements would be perceived alongside the varied commercial backdrop, with its associated signage, that characterises this section of Regent Circus. Views from both public open space close to the appeal site, alongside other nearby views, would thus perceive the advertisements as part of a colourful and varied street scene. Whilst I acknowledge the area may be undergoing regeneration, given the above the proposal would not appear incongruous.
19. Whilst the advertisements would be internally illuminated, during daytime hours the illumination of the advertisements is unlikely to be prominent in the street scene. The area is also well served by street lighting, and is therefore likely to be well illuminated at night. Given this, and subject to a condition to control maximum illumination between dusk and dawn, the proposal would not result in the introduction of a new source of lighting that would be harmful, nor would the advertisements appear out of place in the context of a well-lit background.
20. For the reasons given above, taken together the proposals – including Appeal B, insofar as the provisions of the development plan are relevant – would not cause harm to the character and appearance or visual amenity of the area. The proposals would comply with the relevant provisions of Policy DE1 of the Swindon Borough Local Plan 2026, insofar as this requires proposals to achieve high standards of design, with consideration given to existing built characteristics, scale, massing, materials, detailing, and the quality of the public realm.

Other Matters

21. Whilst interested parties have raised concerns relating to the potential for anti-social behaviour, and the energy efficiency of the proposed communications hub, the Council has not maintained an objection in this regard. Following my site visit, and on the evidence before me, I see no reason to take a different view.
22. My attention has been drawn to errors in supporting documentation submitted with the appeal. I have had regard to these statements, and to the identified erroneous matters, which have not been determinative in my decision.
23. Comments from an interested party in respect of pedestrians with disabilities are acknowledged. In determining this appeal, I have had due regard to the Public Sector Equality Duty in Section 149 of the Equality Act 2010. This requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability. Given my conclusions with regards highway safety and public safety, the proposal would not have unacceptable effects in this regard. In view of this, the proposed development would not disproportionately affect persons with protected characteristics.

Conditions

24. Both parties have recommended a number of conditions to be imposed in the event that the appeals are allowed. I have assessed the suggested conditions with reference to the advice in the National Planning Policy Framework and Planning Practice Guidance. I have amended the wording of some, and combined provisions of others, without altering their fundamental aims. I have additionally had regard to the five standard conditions set out in the Regulations, and have not duplicated proposed conditions by either party which seek an equivalent aim.
25. In respect of Appeal A, alongside the standard time limit condition in the interests of certainty I have imposed a condition requiring that the development is carried out in accordance with the approved plans.
26. Whilst the appellant has proposed a condition requiring the removal of identified payphones in the Borough within three months of development commencement, as I have not found harm arising as a result of the proposals, I do not consider such a condition to be necessary.
27. In respect of Appeal B, the appellant has sought a consent period of 10 years. No objections have been raised by the Council in this regard, and no substantive evidence is before me to suggest such a period would not be reasonable. I have therefore imposed a time limit of 10 years on the consent.
28. Alongside the standard conditions, in the interest of public safety and amenity I have imposed a condition to limit maximum nighttime illumination. It is not however necessary to specify the guidance from which this illumination level has been drawn.
29. I have also imposed additional conditions to ensure that public safety is not compromised. Specifically, it is necessary to control the frequency of changes of display of the proposed advertisements, and to restrict other visual effects that could cause distraction to drivers. I consider the conditions imposed to be sufficient to ensure public safety is not compromised in the event the device was to malfunction.
30. Whilst a condition has been suggested to require a complete screen change, I have not been directed to any harm to public safety or visual amenity that would arise in the absence of this condition. I consider the other conditions imposed to satisfactorily manage both visual amenity and public safety matters and as such do not consider such a condition to be necessary.
31. Although a condition has been proposed requiring the advertisements not to resemble traffic signs, in the context of the site and the proposal I consider that the standard condition requiring advertisements to not hinder the interpretation of official road signs to be sufficient to ensure that public safety is not compromised in this regard. As such, the proposed condition is not necessary.
32. As express consent is granted for the proposed advertisements, it is not necessary to impose a condition requiring the proposed advertisements to be carried out in accordance with the approved plans.

Conclusion

33. Appeal A would accord with the development plan taken as a whole and there are no other material considerations to suggest that the decision should be made other than in accordance with it. Appeal B would not harm the visual amenity of the area nor harm public safety. Therefore, for the reasons given above, both appeals should be allowed.

D Marley

INSPECTOR