
Appeal Decisions

Site visit made on 28 April 2026

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Appeal A Ref: APP/E3335/W/25/3376409

Pavement o/s 151-152 East Reach, Taunton TA1 3HN

- 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 Somerset Council.
 - The application Ref is 38/25/0147.
 - The development proposed is the installation of 1no. BT Street Hub and removal of associated BT payphone.
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Appeal B Ref: APP/E3335/H/25/3376410

Pavement o/s 151-152 East Reach, Taunton TA1 3HN

- 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 Somerset Council.
 - The application Ref is 38/25/0152/A.
 - The advertisement proposed is 2 no. digital 75" LCD display screens, one on each side of the Street Hub unit.
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Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Preliminary Matters

3. As set out above there are two appeals, one of which seeks planning permission for the installation of the street hub and removal of a payphone (Appeal A) with the other seeking advertisement consent for the display screens (Appeal B). Each appeal has been considered on its individual merits, although to avoid duplication they have been dealt with together except where otherwise indicated.
 4. 5-10 East Reach, 158-160 East Reach, and 1 and 3 Silver Street are grade II listed buildings. For Appeal A, as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been paid to preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
 5. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) stipulate that control may be exercised only in
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the interests of amenity and public safety. Although not determinative in advertisement cases, the Regulations allow the provisions of the development plan to be taken into account as far as they are material. Appeal B has been considered on that basis.

Main Issues

6. The main issues are:

- the effect of the scheme upon the character and appearance of the area, having particular regard to whether it would preserve the settings of nearby listed buildings;
- the effect of the scheme upon public safety; and
- the effect upon crime safety.

Reasons

Character and Appearance

7. The street hub would be positioned within the public footway of East Reach to the southern side of the road within an area that comprises service, retail, offices, and residential premises. The area has a bustling, vibrant character and appearance, with East Reach being a busy principal route into the town centre for both motorists and pedestrians.
8. Together East Reach and East Street are imposing roads, and their broad widths, along with their combined long, straight nature emphasises their importance as a principal route into the town centre. This importance is reflected in the numerous high quality historic buildings flanking either side of the roads. These include two groups of grade II listed buildings near the appeals site. The terrace of 5-10 East Reach is opposite the site, with 158-160 East Reach and 1 and 3 Silver Street being nearby.
9. These listed buildings form two distinct groups within the street scene. Nos 158–160 East Reach and 1–3 Silver Street create a continuous terrace that flows around the corner formed by the junction of East Reach and Billetfield. The ground floors comprise retail units, including one with historic pilasters, while the upper floors feature regularly spaced sash windows and window voids. The age of this early mid nineteenth century terrace, its scale, mannered appearance, and prominent corner position, are all part of its special architectural and historic interest. The cohesion and visibility of the terrace from long distances away enhances its prominence within the street scene, and this prominence is an important part of its setting.
10. Nos 5–10 East Reach comprises a terrace of mid nineteenth century, three storey buildings, with ground-floor shopfronts and sash windows in the floors above. The broadly consistent size and mannered placement of these windows create a strong visual harmony and elegance. This, the similar style and appearance of these buildings, their historic character, and their position on an important street, all contribute to the special interest of the listed terrace. Their historic visual cohesion enhances the street scene and their prominence and contribution to the area is an impactful element of their settings.

11. The street hub would be positioned close to an existing payphone, perpendicular to the carriageway edge, near to a post box and cycle rack. Apart from this cluster of street furniture and the lighting and planting columns, the southern public footway is wide and open. In such a context, the street hub would appear as a conspicuously intrusive addition within the street scene. It would draw the eye from long distances away in part due to its size and positional relationship to users of the highway, but primarily because it would introduce large, illuminated screens into an area where the focus of vibrancy is upon the ground floor of the buildings rather than the public footway.
12. The appellant has pointed out the removal of the payphone would result in a reduction of physical structures in the footway, as advised by the Public Realm Design Guide (2021). The current appearance of the payphone has a recessive presence as it does not contain illuminated advertisement displays. The shopfronts give the area a bright, vibrant character and appearance that is focused in a linear way upon the ground floors of the buildings. By contrast the street hub would appear as discretely separate, set apart from this linear continuity. Despite being positioned in front of a modern shopfront with large façade windows, the street hub would appear as an intrusively disruptive addition to the street scene.
13. Moreover, the contemporary appearance of the street hub would erode the historic character and appearance of the street scene, and particularly so given that it would be the only freestanding illuminated advertisement in the area. Although in an area that would be lit by street lights and a few illuminated shop fascias during the hours of darkness, the deliberate segregation of the street hub from the buildings would make it overtly conspicuous when seen against the continuous linear enclosure of the buildings to either side of East Reach and East Street. The street hub would thereby harmfully intrude into the settings of the nearby listed buildings. The straight nature of the roads would make the street hub distractingly visible from long distances away, drawing the eye from the prominence of 158-160 East Reach and 1 and 3 Silver Street when approaching from the west. Despite being separated from 5 – 10 East Reach by the road, the size of the street hub, its contemporary appearance, illuminated nature and proximity to the listed terrace, would result in it interrupting the historic harmony of this group and the contribution it makes to the area.
14. The advertisements would be more durable than the signage upon the payphone. The images would be static, and appellant would be willing to accept conditions controlling luminance, and the installation of automatic sensors that would control brightness depending on the time of day and weather conditions. However, such measures would not mitigate the disruptive prominence of the street hub.
15. The National Planning Policy Framework (the Framework) requires that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this case the proposal would lead to less than substantial harm, albeit at the lower end of the scale of this harm, due to the size of the street hub compared to that of the settings of the nearby listed buildings as a whole. This harm has to be weighed against the public benefits of the proposal.
16. The scheme would result in the removal of the payphone, with the appellant referring to the street hub being located where it would be of most benefit to the public. However, the need for the street hub in this particular location has not

been robustly demonstrated by the appellant, and although the advertisements would generate a means of income to subsidise the provision of free services, they would intrusively erode and compromise the settings of nearby listed buildings. The range of renewable energy powered public services would provide environmental, social, and technological benefits accessible to users of the public realm. However, these public benefits would be limited and would not outweigh the harm to the settings of the nearby listed terraces.

17. The appellant has referred to other street hubs permitted at appeal in busy commercial areas, albeit there are fundamental differences between these and that proposed. From the evidence provided, a street hub approved in Oxford (appeal refs APP/G3110/W/22/3308266 & APP/G3110/H/22/3308267) did not impact upon any designated heritage assets and there was a variety of street furniture in the area, including seating and a freestanding advertisement. Similarly, the Liverpool comparison (appeal refs APP/Z4310/W/18/3205104 & APP/ Z4310/W/18/3205102) was in a pedestrianised area, near to a variety of street furniture and several digital advertisements, some of which were freestanding. In such a context, the Inspector found that the existing and proposed advertisements would form part of the commercial character and appearance of the area, thereby not harming designated heritage assets. A street hub permitted in Birmingham (appeal refs APP/P4605/H/22/3311746 & APP/P4605/W/22/3311745) was considered by the Inspector to have a neutral impact upon the significance of a listed church as there were other illuminated advertisements nearby. Given these differences, none of these comparisons forms a binding precedent for approving the appeals.
18. The Framework supports advanced, high quality and reliable communications infrastructure considering it to be essential for economic growth and social well-being. The street hub would accord with these objectives, providing for a range of services and facilities in the town that would be socially inclusive for people in the area, which are requirements of Policies CP3 and CP5 of the Taunton Deane Core Strategy (2012) (CS).
19. Weighing against these advantages would be the significant harm to the character and appearance of the area and to the settings of nearby listed buildings. Such harms would be at odds with the sense of place of the area and would neither conserve nor enhance the historic environment as required by CS Policies DM4 and CP8, and Policy D7 of the Taunton Deane Site Allocations and Management Plan (2016) (SAMP). There would also be conflict with Placemaking Principles 4 and 7 (2024) (PP) that seek attractive, high quality streets, public spaces, and street furniture and fixtures. Nor would the street hub accord with CS Policy DM1 and SAMP Policies I2 and D3 and their requirements for telecommunications installations and advertisements to be sensitively designed and sited to minimise the impact on the environment and disharmony with their surroundings.

Public Safety

20. East Reach, East Street, and Billetfield are busy, multi-carriage main roads, with the junction between them being light controlled and incorporating pedestrian crossings. There is a further light controlled pedestrian crossing to the east of the appeals site, and to the west there is an access to the carparks that serve nearby shops and a gym.

21. The street hub would be positioned near to the carriageway edge, set back from it by a similar depth as the payphone. The footway is a busy one, providing access to the services and facilities along East Reach as well as being a direct route into the town centre. The street hub would be larger than the payphone, albeit extending into the public footway to a similar width as the nearby cycle racks. Given the wide nature of the footway at this point and that the street hub would be near to existing street furniture, the facility would not severely compromise users of the footway, including those with mobility impairments, and would thereby accord with the guidance provided in the Department for Transport's Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (2021).
22. The street hub would be used in a different way than the payphone, with users being close to passing vehicles. However, the street hub would be set back from the kerbside by a similar distance as the payphone, and users would be afforded some degree of protection from passing traffic through the presence of vehicles parked within the onstreet parking bays.
23. The position, height and size of the street hub, along with its illumination, would form an eye-catching distraction in a location where users of the highway would need to concentrate. It would be to one side of a multi-laned road, near to a complex signal controlled junction, pedestrian crossings, and very close to a busy access. The access to the gym car parks is private but is nevertheless well-used as recognised by the Keep Clear signage on the carriageways. Its presence and frequency of use provides a further complexity for motorists. The street hub would be wider and taller than the payphone, and this, its positioning and illumination would compromise visibility for users of the road when approaching from the east, as well as forming a distracting addition to those entering and leaving the junction.
24. Whilst the advertisements are considered by the appellant to be a feature of the street hub, rather than being part of its primary function, their purpose is to attract attention, irrespective of whether the images would be static and have controlled levels of illumination. Transport for London's Guidance for Digital Roadside Advertising and Proposed Best Practice (2013) (the Guidance) advises that digital advertisements are best located by the nearside carriageway orientated to face oncoming traffic to reduce the risk of drivers turning attention away from the road. Such a location was found to be acceptable for the street hub allowed in Croydon High Street (appeal refs: APP/L5240/W/21/3285398 & APP/L5240/H/21/3285399). The proposed street hub would be a distracting element in a busy area where drivers would need to concentrate on the approaching junctions, and such complexity and the absence of a detailed analysis of the individual circumstances and physical constraints of the site would conflict with advice in the Guidance. As such this comparison does not form a binding precedent for allowing the appeals.
25. Other appeal cases have been cited by the appellant. The installation of a street hub in London (appeal ref: APP/Y5420/W/22/3311428) was in a busy location, close to a pedestrian crossing with other advertisements nearby. However, the proposed street hub would be near to a pedestrian crossing, and also close to two busy junctions. As regards a street hub permitted in Bracknell (appeal refs APP/R0335/W/25/3365044 & APP/R0335/H/25/3365045), the Inspector found that the facility would be in an area where the separation from decision-making points of users of the highway would reduce the likelihood of interference with driver concentration or manoeuvring. This would not be the case with the proposed

scheme given the close proximity of the street hub to not only a pedestrian crossing but parked cars and two busy junctions, one of which would be light controlled. As such these comparisons do not form binding precedents to allow the appeals.

26. For these reasons the street hub would unacceptably harm public safety, and the suggested conditions would not alleviate this harm. Although the street hub would provide services and community facilities as required by CS Policy CP5, it would conflict with SAMP Policies D3, D9 and I2, and PP 5, as they require amongst other things, that telecommunications and advertisements do not compromise access nor present a hazard to public safety.
27. The Council considers the street hub would compromise users of the public footway with mobility impairments. Due regard has therefore been given to the Public Sector Equality Duty (PSED) set out in S149 of the Equality Act 2010, which requires the fostering of good relations between persons who share a relevant protected characteristic and those who do not, to advance equality of opportunity between persons who share relevant protected characteristic and those who do not, and to eliminate discrimination. The overall width of the public footway would be reduced by the street hub, albeit to a similar width as is available nearby cycle racks. The footway would still be sufficiently wide to provide space for everyone to move freely without obstruction. With regard to this finding, this element of the scheme would accord with the objectives of the PSED duty.

Crime Safety

28. The street hub would be in a location with the highest levels of crime and anti-social behaviour in Somerset West. Within a 200m radius of the site over 500 incidents have occurred in a twelve month period, with the majority being anti-social behaviour, violence against a person, and theft. At the site inspection within the surrounding area there was evidence of graffiti and vandalism. The police have raised an objection to the street hub in this location, particularly given that the use of mobile devices in the public realm makes users vulnerable to robbery. There are also concerns regarding the misuse of free services and the interference with CCTV.
29. In response the appellant has suggested conditioning the BT Street Hub Anti-Social Behaviour Management Plan (2021) (the Plan) to enable remote monitoring of the street hub and the use of algorithms to determine turning off calls and wi-fi when problematic use has been identified, along with regular maintenance and cleaning. The Plan has been conditioned as a means of reducing street crime and anti-social behaviour associated with a street hub in Croydon (appeal refs APP/L5240/W/21/3285401 & APP/L5240/H/21/3285402).
30. The street hub would be in an area that already experiences a high level of crime and anti-social behaviour, and it would encourage the use of mobile devices in the public realm. Despite the Plan and noting BT's obligations to provide a universally available service, given the known problems in the area it has not been demonstrated why other locations in the vicinity would be unsuitable for street hub, particularly as the Plan acknowledges that some locations draw attention to local crime occurrences and the misuse of free calls. As regards the impact upon CCTV, the appellant suggests conditions to limit luminance rather than undertaking a bespoke assessment of the impact of the scheme within this

location. Leaving the matter unresolved in this way provides no certainty that conditions could satisfactorily address these issues.

31. The existing payphone, cycle racks and post box form a discrete cluster of street furniture near to the kerbside that already obscures open views. The street hub would be wider and taller than the payphone, but this and its position near to the cycle racks and post box, would not significantly reduce natural surveillance.
32. There are ambiguities and unresolved issues concerning the impact of the scheme upon crime and anti-social behaviour, and the suggested conditions would not overcome the issues arising from the appeals. Consequently, there would be conflict with CS Policy CP5 and its requirement to reduce crime.

Conclusion

33. The street hub would harm the character and appearance of the area, unacceptably intruding into the settings of nearby listed buildings, as well as result in public safety and crime and anti-social behaviour harms. The suggested conditions would not overcome these issues, and thus, for the reasons given above and having regard to all other matters raised, the appeals are dismissed.

J J Evans

INSPECTOR