



Appeal Decisions

Site visit made on 31 March 2026

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th April 2026

Appeal A Ref: 6003715

Footpath opposite 38 Blackwellgate, Darlington DL1 5HW

- 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 on behalf of BT Group Plc against the decision of Darlington Borough Council.
 - The application Ref is 25/01101/FUL
 - The development proposed is installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit.
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Appeal B Ref: 6003716

Footpath opposite 38 Blackwellgate, Darlington DL1 5HW

- 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 on behalf of BT Group Plc against the decision of Darlington Borough Council.
 - The application Ref is 25/01102/ADV
 - 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. The two appeals are for related proposals at the same site. I have considered each appeal on its individual merits, however, as they raise similar issues, I have combined both decisions into a single decision letter.
4. In relation to Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) ('the Regulations') stipulate that control may be exercised only in the interests of amenity and public safety. Therefore, whilst the development plan policies referred to on the decision notice are not determinative, I have taken them into account where relevant.

Main Issues

5. The main issue in Appeal A is the effect of the proposal upon the character and appearance of the area including the significance of Darlington Town Centre Conservation Area and the setting of listed buildings.

6. The main issue in Appeal B is the effect of the proposed advertisement upon the amenity of the area.

Reasons

Character, appearance and amenity

7. The appeal site is located with Darlington Town Centre Conservation Area ('DTCCA'), a designation which includes much of the centre of the town. The significance of the DTCCA, insofar as it relates to these appeals, is derived from the historic street layout and the number of historic buildings which are evidential of development of the town centre over time.
8. A junction is formed in the vicinity of the appeal site by Blackwellgate, Skinnergate, Grange Road and Coniscliffe Road which means that a small island of pedestrian realm is created in the resultant space. The area is open in nature but well defined by historic landmark buildings at street corners and effectively forms an informal square. The public realm includes mature street trees, cycle racks, bus stops and flagpoles, as well as external seating areas, however the area has a pleasant character and provides deeper views into the DTCCA along these historic streets.
9. 32 Blackwellgate is a three-storey building located at the eastern end of the pedestrian area and forms a bookend to more modern buildings which comprise Blackwellgate as it moves towards the Market Square, at the heart of the DTCCA. No 32 is unusual in this respect as it is noticeably smaller than in its neighbour, but nevertheless its distinctive corner shopfront and bay windows, along with its whitewashed gable and red pantile roof gives it a sense of status in the street. It anchors Blackwellgate as historic evidence of the route, despite the presence of later buildings. This evidential value, along with its understated traditional architecture and proportions form the significance of the LB insofar as it relates to these appeals.
10. The location of No 32 as the backdrop for the area of public realm, means that its setting is relatively large, particularly as it is prominent in longer views along both Blackwellgate and Houndgate.
11. The proposal also lies within the setting of Blackwellgate Post Office and Nos 34 and 36 Blackwellgate which are further Grade II listed buildings. Blackwellgate Post Office is a substantial three-storey building with a stucco frontage. Nos 35 and 36 is a smaller building of brick construction and with a timber shopfront at ground floor level. Both buildings derive significance from their evidential group value as part of the historic street layout and historic architecture, however neither has a visual status in the street comparable to that of No 32. The Council has not alleged any harm to the significance of these designated heritage assets, nevertheless, as I have a duty in this regard, I have taken them into account also in reaching my decision.
12. The proposed hub would be located within the central area of public realm, close to public seating, planters, cycle parking, a bin, large lampposts and a bus shelter with a digital advertisement. Despite the existing street furniture, the immediate area is a well-considered piece of public realm which accommodates pedestrian movements and links with external seating at a neighbouring café. Overall, the space does not feel cluttered and the open, but well-defined, character of this junction, which partly

results from the character and number of historic buildings around it, is readily apparent.

13. While there is some interplay between modern and historic forms in this part of the DTCCA, the proposal, at over 2 metres in height, and particularly the illuminated advertisement, would appear as a large and overtly modern and prominent feature when viewed in the context of nearby historic buildings and most notably, No 32. It would be particularly harmful in views along Blackwellgate towards the Market Square, where it would be seen directly in the foreground of No 32.
14. I acknowledge the existing digital advertisement incorporated into the bus shelter, and that the proposal would be located in close proximity to it. However, rather than justify the proposal, the provision of a further illuminated digital advertisement hub would lead to a proliferation of such features in a small area, which would together detract from the significance of this building and the character of the area.
15. Moreover, the proposed hub would introduce a further modern piece of street furniture to the space and particularly when viewed alongside the bus shelter, which is another large structure, would lead this area of public realm to have an unacceptable level of visual clutter. The removal of an existing telephone kiosk at the edge of the space would not wholly mitigate this due to its comparatively peripheral location in comparison to that of the proposed hub.
16. I conclude that the proposals would be harmful to the character and appearance of the area, and cause harm to the significance of the DTCCA. They would also fail to preserve the setting of listed buildings. Having regard to the scale and nature of the proposed hub relative to the significance of the DTCCA as a whole, the harm would be less than substantial.
17. In reaching this conclusion I have had regard to the appeal decisions put before me. I have been provided with little information in relation to these cases, however all relate to cases elsewhere in the country and none appear to be directly comparable to the particular characteristics and significance of the area and heritage assets that I have identified. They do not, therefore, led me to a conclusion other than as I have set out above. I also conclude that the proposed advertisement would harm amenity.
18. I have found that the proposals would result in less than substantial harm to the character and appearance of the DTCCA, and listed buildings. Both Darlington Local Plan ('DLP') Policy ENV1 and the National Planning Policy Framework ('the Framework') require any less than substantial harm to heritage assets to be weighed against the public benefits of the proposal.
19. Paragraph 212 of the Framework indicates that great weight should be given to the conservation of designated heritage assets. The more important the asset, the greater the weight should be. Harm to the significance of a designated heritage asset should also require a clear and convincing justification. The Framework also requires that such harm be weighed against any public benefits of the proposal.
20. Paragraph 119 of the Framework indicates that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social wellbeing. The Framework also seeks to support the expansion of electronic communications networks. The proposed hub would incorporate a range of services including online access, phone calls and the ability to house air quality and

traffic sensors. It would also form part of a wider network of apparatus providing efficient, reliable and free-to-use public services. There is also potential for the proposed screens to be made available to the Council for public service messaging.

21. These are all public benefits which count in favour of Appeal A. However, there is no evidence before me which would indicate that a less harmful site for the proposal could not be found which would deliver the same public benefits. I am also aware that there are other structures within the area that may provide some of the stated benefits.
22. It is stated that the proposed hub would facilitate the removal of an existing telephone kiosk located close to 42 Blackwellgate. However, this is located at the very periphery of the junction area and does not form a prominent feature. Despite its age and condition, it is not especially harmful to the character of the DTCCA, and has little, if any, effect on the settings of the identified listed buildings. Therefore, its removal, while a benefit of the proposal, is one to which I afford only minor weight.
23. Taken together, the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage asset that I have found, and the considerable importance and weight that this carries. The proposal would therefore conflict with DLP Policies DC1 and ENV1. Together, and among other factors, these policies require all development to reflect and respond positively to the local context and preserve the significance of designated heritage assets unless in the case of less than substantial harm, that such harm is outweighed by the public benefits of the proposal.

Conclusion

24. In respect of Appeal A, the proposal would conflict with the development plan as a whole, and there are no material considerations which would outweigh this conflict. In the case of Appeal B, the proposal would harm amenity and in doing so, it would conflict with the policies mentioned above.
25. For the reasons given, and having regard to all matters raised, I therefore conclude that both Appeal A and Appeal B should be dismissed.

C Harding

INSPECTOR