

Appeal Decisions

Site visit made on 5 March 2026

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2026

Appeal A Ref: 6002902

Footpath outside 214 Northgate, Darlington DL1 1RB

- 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 Darlington Borough Council.
 - The application reference is 25/01105/FUL.
 - The development proposed is the installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit.
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Appeal B Ref: 6002903

Footpath outside 214 Northgate, Darlington DL1 1RB

- 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 Darlington Borough Council.
 - The application reference is 25/01106/ADV.
 - The advertisement proposed is two digital 75-inch LCD display screens, one on each side of the Street Hub unit.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit at Footpath outside 214 Northgate, Darlington DL1 1RB in accordance with the terms of the application, reference 25/01105/FUL, subject to the conditions in the attached Schedule.

Appeal B

2. The appeal is allowed and express consent is granted for the display of two digital 75-inch LCD display screens, one on each side of the Street Hub unit, at Footpath outside 214 Northgate, Darlington DL1 1RB in accordance with the terms of the application, reference 25/01106/ADV. 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 in the attached Schedule

Preliminary and Procedural Matters

3. I have been appointed to determine two appeals at the same site, relating to a proposal for a new BT Street Hub. Appeal A relates to an application for planning permission for the hub itself, while Appeal B relates to an application for advertisement consent for the integrated digital displays.

4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (“the Regulations”) set out that powers shall 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. The Council did not raise any concern about public safety and, based on all the evidence before me, I see no reason to take a different view. While I have had regard to relevant policies of the 2022 Darlington Local Plan (“the DLP”), they have not been determinative in Appeal B.
5. The appeal site is within the Stockton & Darlington Railway: Northgate Conservation Area (“the SDRNCA”) and, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. This duty applies in respect of the consideration of whether to grant planning permission (Appeal A), and to advertisement applications and appeals (Appeal B) insofar as it relates to the consideration of amenity.

Main Issue

6. The decision notices for both applications gave two reasons for refusal. In both cases they dealt with matters related to the siting, scale and appearance of the proposed development; I have therefore dealt with them together here. The main issue in both appeals is the effect of the proposal on the character and appearance or visual amenity of the SDRNCA.

Reasons

7. The appeals relate to a site within the adopted public highway, on the footway on the eastern side of Northgate a short distance north of Darlington town centre. Northgate itself is a busy A-road, and one of the principal routes into and out of the town centre. Buildings in the vicinity of the appeal site typically have two or three storeys, with retail (including cafés and takeaways), leisure and other commercial uses on the ground floors. There is a variety of street furniture nearby, including lighting columns, litter bins, guard rails, traffic signs and signals and associated equipment cabinets. Around 15m south of the site is a bus stop, with a shelter incorporating a double-sided digital advertising display.
8. The SDRNCA covers an area on both sides of Northgate and High Northgate (the old Great North Road between London and Edinburgh), and areas around (and associated with the development of) the original Stockton and Darlington Railway¹. The significance of the SDRNCA, insofar as it relates to this appeal, is largely derived from the still-visible Georgian and Victorian streetscape in the Northgate area, surviving buildings from those periods which serve to illustrate Darlington’s change and growth as an industrial town, and the physical and historical connections to the Stockton and Darlington Railway, the first public railway in the world to use a steam locomotive to haul passengers.
9. The proposed development is the installation of a BT Street Hub 3 unit which would be set approximately 0.5m from, and perpendicular to, the edge of the footway. It would be a freestanding structure, approximately 3.0m high, 1.2m wide

¹ Originally the Northgate Conservation Area, following a review the conservation area has recently been enlarged to incorporate additional areas associated with the development of the railway, and renamed to reflect this.

and 0.4m deep, clad in powder-coated aluminium panels in a dark grey finish. The hub would provide free Wi-Fi and telephone calls, among other services. There would be two digital screens, one on each side of the unit, which would be of tempered and toughened laminated glass; these would display advertisements.

10. The 2025 SDRNCA appraisal noted that the presence of utilitarian street furniture and associated clutter represented an opportunity to improve the public realm within the conservation area. It also highlighted signage and advertisements among the types of harmful development within the area. In this case, the proposed hub unit itself would have a slim profile which would moderate its visual impact; combined with the modern design and dark finish it would not in itself be an unduly prominent or intrusive feature in the streetscape.
11. Two existing BT payphones would be removed as part of the appeal scheme; one adjacent to No 1 Corporation Road to the north-west of the appeal site, and one outside The Beaumonts at No 158 Northgate, a short way south of the site. I viewed both of those kiosks during my visit; both are somewhat dilapidated and, while neither is seen within quite the same setting as the appeal site, the net result of the appeal scheme is that there would be a slight decrease in the amount of street furniture and clutter in the area.
12. The appeal scheme would introduce additional illuminated displays to the area, given that the two existing kiosks which would be replaced do not carry advertisements of that type. However, the screens would be alongside a busy main road on an urban high street which, while obviously secondary compared to the nearby town centre in terms of its retail role, nevertheless retains a commercial character. In this context, two digital screens carrying advertisements would not be an unexpected or otherwise incongruous element. Importantly, while there are already similar displays on the nearby bus shelter, there would not be such a concentration of advertisements within this stretch of Northgate that it would lead to a harmful cumulative impact.
13. Taking these points together, I am satisfied that the proposed installation would not cause unacceptable harm to the character and appearance, or visual amenity, of the area; the character of the SDRNCA would be preserved. There would be no conflict with Policies DC1 or ENV1 of the DLP. Among other things, those policies seek to ensure that the design of development responds positively to local context, that great weight is given to the conservation of designated heritage assets, and that elements making a positive contribution to the significance of conservation areas are protected or enhanced; they are material to Appeal B insofar as they seek to protect amenity.
14. I also find no conflict with the provisions of the National Planning Policy Framework ("the Framework") which seek to protect the historic environment. As I do not find that the proposal would cause harm to or loss of a designated heritage asset or its setting, it is not necessary to apply the public benefit test set out in Paragraph 215 of the Framework.

Conditions

15. The Council proposed a number of conditions in the event of my allowing the appeals, which I have considered in the light of the tests set out in the National Planning Policy Framework and the Planning Practice Guidance. The appellant did not comment on the Council's suggestions, though they had already put forward

their own suggested conditions in the submitted Planning Supporting Statement. Where necessary in the interests of effectiveness, I have made changes to the suggested wording or ordering of conditions.

16. For Appeal A, as well as the standard time limit condition (1), in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2). I have incorporated into Condition 2 specific references to the anti-social behaviour management plan and noise management plan submitted with the application, and other supporting documents; this is necessary to protect living conditions and amenity generally in the area. A condition requiring the reinstatement of pavement to match that surrounding (3) is necessary to protect the quality of the public realm, and the character and appearance of the SDRNCA. A condition requiring the removal of the two existing kiosks described in paragraph 11 above (4) is necessary for the same reasons.
17. For Appeal B, I have not imposed the first five conditions suggested by the Council, which duplicated those set out in the standard conditions and are not therefore necessary. I have imposed conditions relating to the brightness of the display screens (1) and to the control of moving and changing images, screen transitions, and suchlike (2, 3, and 4) in the interests of amenity and safety. A condition prohibiting the use of images resembling road traffic signs and signals (5) is imposed in the interest of highway safety.

Conclusion

18. For the reasons set out above, I conclude that both appeals should be allowed.

M Cryan

Inspector

Schedule of Conditions – 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 installed in accordance with the following approved plans:
 - Site Location Plan and Proposed Site Plan (Dwg: DAR-3 002 Rev A, 15 September 2025)
 - Proposed Site Elevation (Dwg: DAR-03 004 Rev A, 15 September 2025)
 - BT Street Hub Dimensions (Dwg: STH-001)

Except where otherwise required by these conditions, the Street Hub 3 unit shall be operated and maintained in full compliance with the following approved documents for the lifetime of the installation:

- Planning Supporting Statement (Telent, Ref: DAR-03)
 - Institute of Lighting Professionals *Professional Lighting Guide 05/23 The brightness of illuminated advertisements including digital displays*
 - BT Street Hubs Beyond Connection v2.1 February 2025
 - BT Street Hub Anti-Social Behaviour Management Plan Version 3
 - BT Street Hub Noise Management Plan v2.1 February 2025
- 3) Pavements surrounding the installation hereby permitted shall be made good to the same condition as, and in new or replacement surface materials matching as closely as possible, the adjacent land.
 - 4) Within three months of the commencement of the development hereby permitted, the two existing BT telephone boxes identified for removal on page 7 of the approved Planning Supporting Statement shall be removed and the land restored to a condition which matches the footway immediately surrounding their site.

Schedule of Conditions – Appeal B

- 1) The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m²) between dusk and dawn in line with the maximum permitted recommended luminance as set out in The Institute of Lighting Professionals *Professional Lighting Guide 05/23 The brightness of illuminated advertisements including digital displays*
- 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.