



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: 6002910

Footpath east of The Dolphin Centre, Horsemarket, Darlington DL1 5RP

Easting 429006, Northing 514375

- 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 25/01103/FUL.
- The development proposed is the installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit.

Appeal B Ref: 6002912

Footpath east of The Dolphin Centre, Horsemarket, Darlington DL1 5RP

Easting 429006, Northing 514375

- 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 25/01104/ADV.
- The advertisement proposed is two digital 75-inch LCD display screens, one on each side of the Street Hub unit.

Decisions

1. Both appeals are dismissed.

Preliminary and Procedural Matters

2. 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.
3. 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. While I have therefore had regard to relevant policies of the 2022 Darlington Local Plan ("the DLP"), they have not been determinative in Appeal B.
4. The front of the appellant's statement gave the site address as "Pavement outside 21 Feethams, Darlington", and went on to say "description changed by LPA to Footpath East of Dolphin Centre, Horsemarket, Darlington DL1 5RP". It is not entirely clear to me why; notwithstanding that the site is in fact on Feethams rather than Horsemarket, the Dolphin Centre/Feethams address, along with site coordinates, had been used on both the planning permission and advertisement

consent application forms. The submitted drawings and other documentation are quite clear about the actual location of the proposed installation; for consistency with the application forms I have used the original address, including coordinates, in the banner heading above.

Main Issue

5. The decision notices for both applications gave a single reason for refusal related to the siting, scale and appearance of the proposed installation. The main issue in both appeals is therefore the effect of the proposal on the character and appearance or visual amenity of the area.

Reasons

6. The appeals relate to an area of the footway on the eastern side of Feethams, alongside the pedestrianised square in front of Darlington Town Hall and across the road from the Dolphin Centre, a large council-run leisure centre. The site is within Darlington town centre, a short distance south-east of the main commercial area. There are two bus shelters on the same side of Feethams a little way to the south of the site, as well as some other items of street furniture in the form of litter bins, bollards and lighting columns.
7. 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 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.
8. The hub unit itself would have a slim profile, and a modern design and dark finish which would moderate its visual impact to some extent. However, it would be a prominent feature at the point where the street opens up into the square in front of the town hall, especially for anyone heading south on that side of the street. It would introduce a degree of clutter into a part of the town centre otherwise characterised by a sense of relative spaciousness.
9. Although I saw that there are illuminated advertisement displays elsewhere in Darlington town centre, including a digital display screen on the north-facing Horsemarket elevation of the Dolphin Centre close to the appeal site, these have a visual relationship with the more commercialised retail areas. Within Feethams itself, while there is a small amount of illuminated signage on the Dolphin Centre and the Vue cinema complex at the southern end of the street, the street is otherwise largely free of advertising – there are, for example, no advertisements on the two bus shelters nearby. The introduction of two digital display screens would be at odds with the generally restrained and “municipal” character of the site’s immediate surroundings.
10. The appeal site itself is not within a conservation area, but the appellant proposes that as part of the development two existing telephone kiosks within the Town Centre Conservation Area – on West Row near its junction with Blackwellgate/ Horsemarket, and on Tubwell Row close to its junction with Crown Street – would be removed. I acknowledge that there would therefore be a net reduction in the overall amount of street furniture within the town centre. However, I was able to

view the two kiosks which would be removed, and they are not in the same setting as the appeal site. Both are in busier, more commercial parts of the town centre where bright shop signage and suchlike is commonplace; in the case of Tubwell Row there are also advertisements displayed on nearby bus shelters.

Notwithstanding that they are within a conservation area, the existing kiosks are not especially incongruous. The appeal scheme, on the other hand, would introduce new street furniture and advertisements into a part of the town centre where they are not generally found. The proposed removal of these other two kiosks therefore carries little weight in favour of the appeal scheme.

11. Taking these points together, for Appeal A I find that the Street Hub unit would cause harm to the character and appearance of the area; it would conflict with Policy DC1 of the DLP which among other things seeks to ensure that development is well-designed, reflects the local environment and creates an individual sense of place with distinctive character, and responds positively to local context. For Appeal B I find that the proposed advertisement would be harmful to the visual amenity of the area; there would again be conflict with Policy DC1 of the DLP which is material insofar as it seeks to ensure that development responds positively to local context.

Conclusion

12. I have found that the proposed installation would be harmful to the character and appearance, or to the visual amenity of, the area. I have had regard to the benefits of the scheme which have been put to me, including increased mobile communications connectivity and the use of the digital display screens for public information messages, but these do not outweigh the harm I have found.
13. I therefore conclude that both appeals should be dismissed.

M Cryan

Inspector