
Appeal Decision

Site visit made on 21 July 2026

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th August 2026

Appeal Ref: 6004840

Pavement outside 4 Northgate, Darlington DL1 1NR

- 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 Nathan Still of In Focus Network Limited against the decision of Darlington Borough Council.
 - The application Ref is 25/00655/FUL.
 - The development proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to the submission of applications for both planning permission and consent to display an advertisement. The Council's Officer Report also makes reference to a separate application seeking advertisement consent. The appeal before me relates only to a refusal to grant planning permission and I have determined the appeal accordingly.
3. The statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, Section 66(1) of the Act requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
4. In addition to this appeal, I am dealing with other appeals¹ for similar proposals within the same town centre. There are similarities in terms of the supporting information submitted with the planning application that also relates to those other sites, as well as the appeal submissions and main issues. However, I have dealt with the appeals separately and they are the subject of separate decisions.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, including the Darlington Town Centre Conservation Area (the CA) and the setting of nearby listed buildings.

¹ Appeal refs: 6004833 – Pavement outside 5 Tubwell Row, 6004835 - Pavement outside 38 Northgate, 6004837 – Pavement outside 41-45 Northgate and 6004841 – Pavement outside Santander, Bondgate

Reasons

6. The appeal site comprises a section of pavement adjacent to a pedestrianised area and public open space at Prospect Place, in a highly prominent part of the public realm within the town centre and the CA. The open space features steps, seating and planters, creating a pleasant environment for users in this part of the CA. Northgate, Bondgate, Prebend Row, Priestgate and High Row also converge around this area, accentuating the prominence of the space and the area around the appeal site. The predominantly commercial uses in the immediate area and pedestrian activity contribute to a vibrant character. Street furniture in the immediate vicinity of the appeal site includes low-level bollards, cycle stands and a refuse bin, with some taller directional signage and street lighting columns.
7. The CA has a mix of commercial uses and a variety of buildings and spaces within the town centre, which contribute to its overall vibrant and historic character. Its significance, insofar as is relevant to the appeal, derives in part from its architectural variety with Quaker and Victorian influences, and pleasant areas of public realm and spaces, contributing to its architectural and historic interest. There are Grade II listed buildings nearby, including the Statue of Joseph Pease, Nos 4 to 16 (even) and the King's Head Hotel above shops on Northgate, The Midland Bank (now HSBC), and 7 and 8 Prebend Row. Due to its prominent position close to the attractive and distinctive public realm setting featuring historic characteristics, the appeal site forms part of an area that positively contributes to the significance of the CA.
8. The Statue of Joseph Pease occupies a highly prominent position within the pedestrianised area, forming a focal point in the public realm and the CA close to the appeal site. Its significance, insofar as is relevant to the appeal, derives from its historical interest, having been erected to commemorate a figure of national significance with historic association to the town. The setting of the statue is primarily experienced from the streets and pedestrianised areas surrounding it, including the pavement of the appeal site nearby. Given this proximity, the appeal site is within and positively contributes to the setting of the listed building. Although not as tall as the statue, the proposal would be a notable modern addition in the area and it would be seen in views close to the statue, particularly when approaching the appeal site from Northgate and Prebend Row.
9. Nos 4 to 16 and the King's Head Hotel is a substantial, four-storey building with a late Victorian facade. Its significance, insofar as it relates to this appeal, derives from its architectural and historic interest given the scale and design of the building within a prominent position in the town centre. Due to its location and scale, the setting of this building is experienced from the public realm in a wide area, and due to its close proximity, the appeal site is within this immediate setting.
10. The former Midland Bank also occupies a highly prominent position at the corner of Bondgate and Northgate, to the northern side of the pedestrianised area and open space. Due to the imposing scale and modified baroque style of the building within this location, its significance, insofar as it relates to the appeal, derives from its architectural and historic interest. The setting of the building is also experienced from the public realm in views around this part of the CA, and the appeal site forms part of this setting, albeit its contribution is limited given its position in relation to the scale of that building.

11. Nos 7 and 8 Prebend Row is a late 17th or early 18th century three-storey building located to the corner of Prebend Row and Priestgate. It features some modern alterations, although its significance, insofar as is relevant to this appeal, derives from its architectural and historic interest. The setting of this building is primarily experienced from the surrounding streets and public realm, and due to the location of the appeal site on the same side of the street, it would be within its setting.
12. The proposal would introduce a notably large and bulky structure into a highly prominent position and in relation to the more open public realm setting, which currently features a relatively limited amount and scale of existing street furniture. As a result of its free-standing design, siting, scale and modern appearance, the proposal would therefore appear as a visually intrusive and incongruous structure in this location, and within the setting of the listed statue. Whilst my assessment is limited to the refusal of an application for planning permission rather than advertisement consent, the design of the structure and its integrated display would be prominent and would draw attention.
13. In any event, and despite its position close to a more modern building and shop fronts in comparison to other traditional forms of development in the area, due to its scale and appearance, the proposal would not respond positively to its local context, including the attractive and open public realm setting, or be sympathetic to local character in this area. It would not be a sensitive form of new street furniture in this location, and it would erode the quality and appearance of the surrounding public realm. The proposal would therefore introduce a discordant form of development immediately adjacent to the pedestrianised area and open space, as well as within the setting of the listed statue.
14. The proposal would have a detrimental impact on the character and appearance of the area, and the contribution this part of the public realm makes to the significance of the CA would be diminished. The development would therefore fail to preserve or enhance the character or appearance of the CA, and it would harm its significance. Due to the site's proximity and the intervisibility in this open setting, for the same reasons, the proposal would be a visually harmful addition that would fail to preserve the setting of the Grade II listed statue.
15. Having regard to the location of the appeal site and the nature of the proposal, there is intervisibility with the other listed buildings referenced above. However, given the siting and scale of the proposal in relation to these larger buildings, and as it would be seen alongside some modern ground floor shop fronts, there would not be harm to these buildings, and their settings would be preserved. The Council did not raise concerns regarding harm from the proposal on the setting of these listed buildings, and I see no reason to reach a different view.
16. Having regard to the scale of the proposal, and as the proposed change is localised in terms of the CA as a whole, the harm to the significance of the CA and the listed statue would be less than substantial, and the harm would be at the lower end of the scale in that respect. Regardless of the level of harm, the National Planning Policy Framework (the Framework) at paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 also requires that any harm to the significance of a designated heritage asset should have clear and convincing justification. In

addition, paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.

17. The proposal would provide publicly accessible functions, including free calls to landlines, free Wi-Fi, interactive wayfinding, access to local webpages, a defibrillator and device charging. I also note the aims to promote inclusivity and connect communities, provide community messaging, to enable people to access digital networks, and it would assist with the Framework's aims to support high quality communications. The proposal could also provide monitoring and CCTV facilities, and I note its sustainable design credentials. It would be reasonable to treat these as public benefits insofar that they would contribute to economic, social and environmental objectives set out in the Framework. Even so, these public benefits are given moderate weight, which would not be sufficient to outweigh the identified harm and the great weight that I must give to the conservation of the designated heritage assets.
18. I conclude that the proposal would be materially harmful to the character and appearance of the area, it would not preserve or enhance the character or appearance of the CA, nor preserve the setting of the Grade II listed Statue of Joseph Pease. It would therefore conflict with Policies DC1 and ENV1 of the Darlington Local Plan 2016-2036 (February 2022). Amongst other things, these policies aim to ensure that proposals reflect the local environment, that design responds positively to the local context and for proposals to conserve the significance of designated heritage assets.

Other Matters

19. I observed a hub structure of a different design to the scheme before me installed by another operator to the front of a modern building on High Row in the wider area of the appeal site. There are no details before me of the planning circumstances relating to the installation of that hub and so I am unable to determine if those are directly comparable to the scheme before me to weigh in favour of the appeal. However, there are also material differences in terms of the location of that hub in relation to the listed statue, which is not seen in the same context as the appeal proposal given the distance from the statue, intervening features and landscaping. The presence of this does not alter my conclusion.
20. Whilst similar proposals have also been installed in other locations across the country, each site and scheme will have different circumstances and site-specific characteristics. My assessment has been made having regard to the effects of the proposal in this location.

Conclusion

21. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR