
Appeal Decisions

Site visit made on 28 July 2026

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

an Inspector appointed by the Secretary of State

Decision date: 31st July 2026

Appeal Ref: 6006389

Pavement outside 22 May Day Green, Barnsley S70 1SH

- 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 Nathan Still on behalf of Infocus Public Networks Ltd against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref is 2025/1012.
 - The development proposed is installation of a multifunctional communication hub including defibrillator and advertisement display.
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Appeal B Ref: 6006390

Pavement outside 22 May Day Green, Barnsley S70 1SH

- 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 Nathan Still on behalf of Infocus Public Networks Ltd against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref is 2025/1013.
 - The advertisement proposed is installation of a multifunctional communication hub including defibrillator and advertisement display.
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Decisions

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 issues in relation to Appeal A are:
 - whether the proposal would be acceptable in respect of flood risk, and;
 - the effect of the proposal upon the character and appearance of the area.

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

Reasons

Flood Risk

7. The Council has identified that the appeal site lies within Flood Zone 2 and the appellant has not disputed this. In relation to flood risk, the National Planning Policy Framework ('the Framework') requires the application of a sequential risk-based approach to the location of development. It identifies that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Framework paragraph 174 states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
8. Being located in Flood Zone 2, the proposed development would not be located in an area with the lowest risk of flooding, and it would not comprise any of the specific types of development which the Framework identifies should not be subject to the sequential test. There is no indication that a search of alternative, sequentially preferable sites has been undertaken, nor has it been shown that the proposed development could not be located in a less vulnerable location.
9. Furthermore, as a site-specific flood risk assessment ('FRA') is not before me, it cannot be said that the proposal would be subject to the exemption set out at Framework paragraph 175, nor would the proposal be in accordance with the guidance set out at Framework paragraph 181 in relation to demonstrating through an FRA that flooding would not be increased elsewhere.
10. As it has not been shown that it would not be possible for the development to be located in areas with a lower risk of flooding, it is not necessary to consider the exception test.
11. The appellant has noted that the Council did not communicate that the appeal site was situated within Flood Zone 2 until shortly before it issued its decision, meaning that an FRA could not be prepared during the consideration of the application. Be this as it may, the conduct of the Council is not a matter to which I can afford weight in considering the merits of the proposal, and in any event flood risk data is publicly available and the appellant could feasibly have identified this constraint prior to submission without the Council's input.
12. I therefore conclude that the proposal is not acceptable in respect of flood risk. It would be contrary to Policy CC3 of the Barnsley Local Plan ('BLP') which, among other matters, states the new development will not be permitted where it would be at unacceptable risk of flooding, and that proposals in Flood Zone 2 are required to provide evidence of the sequential test, as well as an FRA.

Character, appearance and amenity

13. The appeal site is located in a busy commercial area within Barnsley town centre. The area is a pedestrianised shared space, and at the time of my visit had a bustling atmosphere, partly due to the outdoor market that was taking place. The public realm is well-considered, as set out in the Council's Barnsley Town Centre Public Spaces Strategy ('BTCPS') with elements of street furniture generally clustered. As a result, even with the market stalls, the space did not appear

unreasonably cluttered. I noted that an existing communication hub was located a short distance away and clearly visible from the appeal site.

14. The proposed communication hub would be a relatively large structure within the streetscene, although it would be primarily visible from two directions only due to its slim profile. Its colour palette would assimilate with existing street furniture. Given the overtly commercial nature of area, the proposal would not appear incongruous, particularly in the context of other street furniture, including a tree, to which it would be closely located.
15. The existing communication hub located to the north assimilates well with its surroundings and there is no reason for me to find that a similar structure at the appeal site would be any more harmful. I acknowledge that the quality of the public realm, is, in part, due to the relative lack of clutter. However, the street is spacious, and some distance would remain between both structures, and more importantly the difference in orientation would mean that it would be unlikely that both would be fully visible to their maximum within the same view; the existing hub presents its slim profile when approached from the appeal site. As a result, they would not dominate the space or appear as excessive proliferation.
16. In relation to the proposed advertisement, illuminated signage was evident in the immediate area, along with digital advertising on the existing hub. Given this urban commercial setting the illuminated digital screen, despite its relatively large size, would not appear as unacceptably harmful. It would not, therefore, cause harm or contribute to cumulative harm to the amenity of the area.
17. Overall, in relation to Appeal A, the proposal would not be harmful to the character and appearance of the area. It would accord with BLP Policies BTC3 and D1. Together, and among other factors, these policies seek to ensure that development make a positive contribution to public spaces through their design, siting and use of materials. There would also be no conflict with the BTCPSS.
18. In relation to Appeal B, I conclude that the proposed advertisement would not be harmful to the amenity of the area.

Other Matters

19. Framework paragraph 119 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 proposal would incorporate a range of services including online access, phone calls. 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.
20. 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 is a similar structure already within the area that may provide some of the stated benefits. This limits the weight that I am able to afford them.
21. It is stated that the appellant has partnered with a charity to deliver a tree for every phone kiosk installed. However, it has not been shown that the tree planting

scheme is wholly reliant on new kiosks being installed. Although it is suggested that such tree planting could be secured by means of a planning condition, no wording has been put before me, and such a condition would be unlikely to be sufficiently precise or enforceable given it would require a third party to deliver a tree in an unspecified location. I therefore afford this commitment only very limited weight in favour of the proposal.

22. There is no suggestion that the proposal would lead to harm to the significance of heritage assets. However, the absence of any such harm is a neutral factor and does not weigh in favour of the proposal.
23. I have been directed to a number of decisions made in relation to digital advertisements within Barnsley since 2019, however no context or details has been provided in relation to these decisions, many of which appear to relate to advertisement displays in bus shelters. On the limited information provided, none of the cited examples appears to be of such direct relevance to the proposal before me, either in location or issue, so as to be determinative in my decision. Equally, I note the appellant's references to appeal decisions outside of the area in relation to developments similar to that before me, but none appear to have raised similar issues in relation to flood risk. They do not, therefore, lead me to reach a different conclusion.

Conclusion

24. In respect of Appeal A, although I have found that the proposal would be acceptable in respect of its effect upon the character and appearance of the area, I have also found that it would be unacceptable in relation to flood risk. The proposal would conflict with the development plan as a whole, and there are no material considerations which would outweigh this conflict.
25. In the case of Appeal B, the proposed advertisement would not be harmful to amenity, however it would be intrinsically related to the proposed hub structure which is subject of Appeal A. Given I have found that Appeal A should be dismissed, it follows that Appeal B should also be dismissed in the absence of any host structure.
26. 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