

Mr Thomas Johnston  
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United Kingdom

## **Town and Country Planning Act 1990 and its orders**

### **FULL PLANNING PERMISSION REFUSED**

**LOCATION:** Pavement Outside 99 South Street, Exeter, Devon, EX1 1EN

**PROPOSAL:** Installation of a multifunction Hub unit, 2.6m in height, with integral advertisement display and defibrillator.

**APPLICATION NUMBER:** 22/1388/FUL

The Local Planning Authority refuses planning permission for the above development for the following reasons:-

1) The proposed hub unit including digital advertisement panels, both individually and in combination with the other units proposed, are considered an incongruous and unduly prominent addition to the street scene, by reason of the design, visual prominence, combined with the siting of the unit in a manner which increases its prominence by orientating the elevation towards (rather than in line with) the main pedestrian flow, is considered to give rise to harmful street clutter, which would be detrimental to visual amenity and the character and the appearance of the local townscape and designated heritage assets. The heritage impact of the unit has not been assessed by the applicant, nor would the unit/s provide sufficient public benefit to outweigh the harm to heritage assets. The proposal is therefore contrary to Paragraphs 130, 136, 189, 194, 199, and 202 of the National Planning Policy Framework, Objectives 8 and 9, and Policy CP17 of the Exeter Local Development Framework Core Strategy, and Saved Policies DG1, DG8, and C1 of the Exeter Local Plan First Review 1995-2011.

### **INFORMATIVES**

1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

Signed

  


Roger Clotworthy

**Exeter City Council**

**Service Lead - City Development**

**Date:** 13th February 2023

**Notification where planning permission refused or granted subject to conditions  
Town and Country Planning Act 1990**

**Article 35(3) of The Town and Country Planning (Development Management Procedure)  
(England) Order 2015 (as amended)**

**Appeal**

If you are aggrieved by the decision of the Local Planning Authority to either refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. Only the person who made the application can appeal.

To submit an appeal, please go to the Planning Inspectorate website:  
<https://www.gov.uk/government/organisations/planning-inspectorate>

Appeals must be made using a form, which can either be completed and submitted online or can be sent to you in the post by the Planning Inspectorate. To request a form, please contact the Planning Inspectorate using their contact details below:

The Planning Inspectorate  
Room 3/13  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Planning Inspectorate customer support team  
0303 444 5000  
[enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)

A copy of the completed form and all supporting plans and documents must also be sent to the Local Planning Authority. The Planning Inspectorate will be able to advise you on the best way to do this. Please use the Council's contact details at the top of the decision notice.

If you want to make an appeal you must do so within **6 months** of the date of this notice, unless it is a **householder appeal** in which case you must do so within **12 weeks** of the date of this notice. The date is at the bottom of the decision notice. Please note that if you intend to submit an appeal which you would like examined by inquiry then you must notify us and the Planning Inspectorate at least 10 days before submitting the appeal

([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)). Further details are on GOV.UK  
(<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>)

If an enforcement notice has been served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within **28 days** of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within whichever period expires earlier out of the following:

- 28 days of the date of service of the enforcement notice, or
- 6 months of the date of this notice, unless it is a householder appeal in which case 12 weeks of the date of this notice.

Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. Guidance on planning appeals is available on the Planning Practice Guidance website: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.