CREATE streets

July 2024

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Box Blight

How to banish ugly, outdated and unnecessary phone boxes that needlessly clutter our streets.

Foreword

London is in many ways one of the world's most handsome cities. Its skyline is renowned internationally for heritage spires as well as soaring towers. The central London area is home to palaces and townhouses, as well as fine hotels and retail establishments. The traditional 'red' phone boxes that stand to attention in many of our streets and squares are, along with black taxis and red buses, loved by visitors from the world over. Together they form part of the city's international 'signature.'

Yet at the same time, as this report graphically details, London's pavements (and those of our fellow urban areas) are frequently littered with an array of semi-abandoned modern phone kiosks. These act as magnets for graffiti, littering, fly tipping, drug taking and worse. Councils and business improvement districts spend thousands of pounds a year dealing with them. Outrageously, the only value they typically generate is advertising revenue for their corporate owners.

Modern phone boxes have all but disappeared in many cities across the world. A stroll through New York City or Paris will confirm this. In Britain, for a remarkably complex set of reasons that are spelt out in this document, we have somehow not yet found a way to get rid of them. Box Blight suggests several powerful recommendations to achieve this. These include encouraging local authorities to use existing powers they have to greater effect. But this is not enough. In their 'David and Goliath' battles with the big communications corporations, it can cost councils tens of thousands of pounds to get even a single phone box removed. The report identifies legislative changes that might well be needed. These could be crucial in giving local government enhanced powers to ensure kiosk removal is much more straightforward and less costly.

I congratulate Create Streets on an excellent report that offers up detailed, practical ideas to help tackle a persistent urban scourge. I would implore an incoming government to include these in its legislative programme. There has been recent success in dealing with pedicabs. But we cannot and should not have to wait ten years for action to be taken on this equally if not more important problem.

Alexander Jan

Non-executive Chair, Central District Alliance and Hatton Garden Business Improvement Districts

Acknowledgements

We would like to thank Alexander Jan and the Central District Alliance BID for funding this work, for giving us liberty to form our own judgements and for providing us with clear background reading to start our research. The advice provided by Katrina Lamont and Ramesh Depala at the London Borough of Camden has been inspiring and clear, and it is thanks to their efforts that there is now a clear framework and precedent for tackling many phone boxes. Evidence from other current and former officials in other councils has also been very helpful, if occasionally depressing. Our argument owes a debt to their excellent enforcement work. Finally, we would like to thank Saira Kabir Sheikh KC whose expertise has helped us navigate the legal minefields involved and improved beyond measure our detailed recommendations.

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A familiar story

'The Council are delivering a really ambitious scheme of public realm improvements in one of our town centres. The scheme of work has required significant time and financial investment and so we are looking forward to works being complete, and for our residents to start enjoying the benefits the scheme will deliver. However, amidst the anticipation of completion, one frustration remains: the refusal of BT to remove an obsolete telephone box within the works area. Despite engaging with BT throughout design, they remain unwilling to remove the telephone box, offering little explanation beyond a reluctance to entertain removal, citing usage statistics that they refuse to disclose, despite another telephone box being located less than 250m away. It seems their reluctance to entertain removal is driven by preserving advertising revenue, but the telephone box is an eyesore, and a magnet for graffiti and unauthorised advertising. Our scheme of works seeks to beautify the town centre, remove street clutter and to make walking through the town centre easier and more enjoyable for everyone, so it is frustrating that we've been unable to secure the removal of this eyesore which clutters the pavement.'

Placemaking Officer, County Council

Box Blight

How to banish ugly, outdated and unnecessary phone boxes that needlessly clutter our streets.

Executive Summary

We no longer need many phone boxes. Calls from phone boxes have declined 99.5 per cent from 800 million minutes in 2002 to only 4 million in 2021-22 due to ubiquitous mobile phones.

Phone boxes have not reduced as quickly as phone calls from them. From a peak of 140,000 phone boxes in the late 1990s, there are still around 15,800 across the UK, an 89 per cent decrease.

Phone providers predominantly keep phone boxes for the advertising revenue. BT's status as the designated Universal Service Provider obliges them to keep some phone boxes in place. However, many remaining boxes are located in areas of high footfall, in places where it would be all but impossible to obtain planning permission for a standalone advertising board. Often, phone companies are not providing telephone services. They are selling advertising. Many phone boxes are now used as free Wi-Fi hubs, allowing them to collect and sell data and provide targeted advertising.

Box blight: over half of our phone boxes are blighting out streets. In one central London study of 64 phone boxes, four had been repurposed, 27 were in a poor state of repair externally (graffiti, missing panels, etc), 25 were not operational and of these 14 were both in a poor condition and not operational. Only half were in a good state of repair and over 40 per cent were no use to anyone. If these numbers are pro-rated across the UK's 15,800 phone boxes, it implies that around 9,300 are suffering from 'box blight.'

Councils are struggling to cope with box blight. Local authorities believe that they have limited legal ability to tackle the problem. There is no widely used legal mechanism by which councils can request removal of a phone box, so it often comes down to informal negotiation. It has been reported to us that phone companies will request a fee of between £30,000 and £50,000 for removal, based on the lost revenue from advertising, Wi-Fi and perhaps calls.

The first generation of phone boxes has completely disappeared. No street furniture has a perennial right to exist if it serves no public purpose, or does not please the people and dignify their streets, as shown by the pre-history of the phone boxes. The Postmaster General first authorised phone boxes in 1884. By 1907 there were about 7,800, mainly cheap wooden sentry boxes. Unloved by the public 100 years ago, none survive in situ. All have vanished.

Surviving classic red phone boxes are often in better condition but some need love and a new lease of life. We estimate that 9,500 historic red phone boxes remain. Around 3,500 phone boxes have been protected via Listing. Around 3,500 have been repurposed, leaving 6,000 as phone boxes. For Listed phone boxes, the change of use requires planning permission. This is not always easy to obtain, resulting in phone boxes that have no viable function and with no option to be removed. Some of these are visibly decaying. Beautiful historic red phone boxes can suffer from box blight as well, though will normally require a different response.

The current regulatory framework is not solving box blight. The legal framework under which phone boxes have been installed since the 1920s has changed over time and is very complex, as are the options available to councils to remove telephone boxes which are blighting our streets. Councils do have some powers (and more than they realise) but they do not apply to many phone boxes, and many are hedged about with complexities of process and cost. It is hardly surprising that many councils are not even using the powers that they do have.

How to banish box blight? In order to resolve this problem, this paper sets out in detail the existing legal options and process for removing telephone boxes, and makes six specific recommendations to banish box blight.

Recommendation one:
Councils with the problem of 'box blight' should set much more ambitious targets to remove modern KX or more recent phone boxes using the mechanisms set out in Chapter 4. At present, this will predominantly help with phone boxes installed between 1995 and 2019.

Recommendation two:
The government, a national body such as the Local Government Association or a regional body such as the Greater London Authority, should actively promote the use of the existing powers that councils have by publishing authoritative but accessible guidance with case studies on how to remove box blight. At present, this will predominantly help with phone boxes installed between 1995 and 2019.

Recommendation three:
The Ministry of Housing, Communities & Local Government (MHCLG) should amend the Town and Country Planning Act 1990 to make it easier to remove problematic phone boxes installed since 1984 as we describe in detail.

Recommendation four:
The Ministry of Housing, Communities & Local Government (MHCLG) should improve the ease of change of use and Listed Building consent for remaining historic phone boxes installed before 1984 by creating a new permitted development class and using a new national Listed Building Consent Order as we describe in detail.

Recommendation five:
Historic England should improve the protection for remaining historic phone boxes installed before 1984 by listing most or all of the remaining unlisted classic red telephone boxes.

Recommendation six:
MHCLG, working with the Department for Science, Innovation and Technology, should consult on and draft new legislation to require that communication equipment is kept in a good state of repair under risk of fine, and also ensure that such equipment is rateable as we set out in detail.

Chapter 1

The situation: nearly half of our surviving 15,800 phone boxes may have 'box blight'

Why do we have the phone boxes that we do? This note sets out the regulations and policy governing the installation, use and removal of phone boxes on our streets and squares, and why and how these rules make it harder for councils to get rid of them when they become a nuisance. It then sets out in actionable detail how to change primary and secondary legislation and planning policy, in order to help councils tackle the blight of ugly, unused and unloved phone boxes littering our streets.

We no longer need many phone boxes. Calls from phone boxes have declined 99.5 per cent from 800 million minutes in 2002 to only 4 million in 2021-22.[1] 98 per cent of adults have a smartphone.[2] In the age of the near ubiquitous mobile phone, it is impossible to argue that we need phone boxes as we once did. But there does appear to be an argument for the ongoing existence for some in some locations and some circumstances. In 2019-20 there were 150,000 calls to 999 from phone boxes and 50,000 calls to services such as The Samaritans and Childline. They can be a lifeline in an emergency, and there are still places without ubiquitous mobile phone reception.[3]

But phone boxes have not reduced as quickly as phone calls from them. The number of phone boxes has reduced less than the calls made in them. From a peak of 140,000 phone boxes in the late 1990s, there are now only around 15,800 across the UK, an 89 per cent decrease.[4] Of these, approximately 6,000 are the historic red phone boxes. The remaining 9,800 are the glazed boxes dating from the 1980s or more recently, an approximate 85 per cent reduction from the 70,000 peak. In total, around 9,500 historic red phone boxes still exist, but of these around 3,500 (36 per cent) have been repurposed, leaving only 6,000 as phone boxes.[5]

Of course, a straight pro rata is not necessarily appropriate but if the number of phone boxes had reduced in line with the number of calls, there would now only by about 700 remaining.

[1] Ofcom (2022) Statement: Review of the telephony universal service obligation - Updating the rules on public call boxes.
[2] www.mobileuk.org. 2024. Mobile Facts | Networks & Connectivity in the UK | Mobile UK. [ONLINE] Available at: https://www.mobileuk.org/mobile-facts.
[3] Ofcom (2022) Statement: Review of the telephony universal service obligation - Updating the rules on public call boxes.
[4] 140,000 figure from: www.britishtelephones.com. 2024. UK TELEPHONE HISTORY. [ONLINE] Available at: https://www.britishtelephones.com/histuk.htm. Current figures based on Create Streets analysis of Open Street Map (OSM) data, April 2024.
[5] 70,000 figure from: The Guardian 2019. 'Ringing the changes: how Britain's red phone boxes are being given new life' [ONLINE] Available at: https://www.theguardian.com/technology/2019/aug/27/ringing-the-changes-how-britains-red-phone-boxes-are-being-given-new-life

What are BT's obligations? Under the Communications Act 2003, BT have a statutory duty to provide phone boxes across the UK as the so-called 'designated Universal Service Provider.'[6] They are regulated in this role by Ofcom. Ofcom's 2022 guidance sets out the minimum level of service that must be provided with the aim of protecting essential phone boxes from removal. BT may only remove a phone box without consultation if there are other phone boxes within 400 metres. If this is not the case, the phone box can only be removed if all of the following apply:

- There is mobile phone coverage from all four main operators;
- It is not in an area with a high frequency or suicides and accidents;
- There have been fewer than 52 calls in the last year; and
- There is no other evidence of reasonable needs, such as high frequency of calls to helplines or reliance of the service in local emergencies such as floods.[7]

These criteria are normally only likely to be met in remote rural phone boxes in low coverage areas.

Box blight: nearly half of our phone boxes are blighting our streets. There is normally no need, however, for boxes so near to each other in our towns and cities. Where there is a plethora of unused phone boxes, there tends to be blight. They can attract antisocial behaviour, collect rubbish and are often subject to vandalism and graffiti. They can be conduits for the sexual exploitation of vulnerable people and modern slavery. A review of central London phone boxes within the area covered by the Central District Alliance Business Improvement District (BID) found that of 64 phone boxes surveyed:

- Four had been repurposed;
- 27 were in a poor state of repair externally (graffiti, missing panels, etc);
- 25 were not operational; and
- 14 were both in a poor condition and not operational.

In other words, only half were in a good state of repair and over 40 per cent were no use to anyone.

If these numbers are pro-rated across the UK's 15,800 phone boxes, it implies that around 6,300 are no longer useable as phone boxes. Of course, every area is different and central London may not be representative of other towns and cities, though our photographs would suggest otherwise. However, a non-trivial proportion of our phone boxes clearly serve no public benefit whilst actively undermining the quality of the streets which host them. This is box blight and it makes our streets and squares worse for no purpose.

[6] Available at: https://www.theguardian.com/technology/2019/aug/27/ringing-the-changes-how-britains-red-phone-boxes-are-being-given-new-life. Current figures based on Creates Streets analysis of Open Street Map (OSM) data.
[7] Ofcom (2022) Guidance on public call boxes [ONLINE]

Box blight across the UK: unused phone boxes attracting graffiti and fly tipping[8]

[8] Images courtesy of Sam J via Pexels (CCo) (top left), Rose Grayson (middle right), Central District Alliance BID (bottom row).

Just as nature abhors a vacuum, unused spaces on our streets become quickly repurposed. Unfortunately those uses are usually not ones that provide a net benefit to the street. They have become popular spots to advertise illicit services, and quickly attract fly posting of all sorts along with graffiti.[9] Some people find them to be a convenient receptible for rubbish, and others assume that they are in fact public toilets. One London BID employee told us, 'we found that market traders were using the phone boxes as a power supply for their stalls.'

Public officials, the police and the public tell tales of littering, urinating and drug dealing. And even when that is not taking place the recent phone boxes do not in themselves dignify the street but clutter it. As one panning lawyer put it to us, *'this phone box issue is a real blight all over the place.'*

Another reason phone companies keep so many phone boxes: advertising. BT's status as the designated Universal Service Provider obliges them to keep some phone boxes in place. But why do they keep more than they need to? The answer appears to be that phone boxes have a dual purpose: they are also great for displaying advertisements. Many remaining boxes are located in areas of high footfall, in places where it would be all but impossible to obtain planning permission for a standalone advertising board. Phone companies are not providing telephone services. They are selling advertising. And misusing their historic rights to provide pre-mobile phone services to get away with it.

Phone box or billboard? Examples in Coventry (left) and Camden.[10]

[9] Posting adverts on or in phone boxes was illegal under Section 61 of the Post Office Act 1953, but once BT took over services from the Post Office in the 1980's this was no longer applicable. It was still illegal to 'fly post' on the outside of phone boxes, just like anywhere else, but not inside. This loophole was closed under Section 46 of the Criminal Justice and Police Act 2001 which made placing adverts for prostitution within phone boxes illegal again. Whether it is enforced is another question.

[10] Images courtesy of Central District Alliance.

If there could be any doubt on this matter, the latest generation of phone 'boxes' makes it comically explicit. For in fact they are not phone boxes at all, but prominent digital advertising screens with a phone attached. The tail is wagging the dog. While there is nothing wrong with subsidising a public service with an additional revenue stream, much in the way that bus stops and train stations incorporate advertising, in this case the logic has reversed. For the primary public service (the public phone) is no longer required. The public phone is not being subsidised by the advertising, it is a fig leaf for it. The new phone 'boxes' are not a public service, but a joke at the public's expense. Tellingly, of the three main phone box operators in the UK, two (New Word and In Focus) are owned by major outdoor advertising firms.

And it is not just advertising through display screens that is being sold. The new kiosks, and many existing phone boxes, provide free high-speed Wi-Fi.[11] This can be a useful service, particularly for tourists, but it still comes at a price. It is another way of generating revenue, this time from advertisements on connected devices and by selling data collected from users.[12]

As if this was not enough, the newer phone 'boxes' also attract problems of their own. For example, it has been widely reported that the new BT In Link kiosks provide a convenient service for drug dealers. Drug purchasers take advantage of the free phone calls to phone their dealers without incriminating themselves. Calls earning one drug gang nearly £1.3m were made at one Whitechapel kiosk in east London. In another case, CCTV footage showed that in one day 72 out of 80 people using a kiosk did so to purchase illegal drugs.[13]

[11] business.bt.com. 2024. Street Hubs | Next Generation Street Hubs. [ONLINE] Available at: https://business.bt.com/public-sector/street-hubs/.
[12] www.wired.com. 2018. Stop replacing London's phone boxes with corporate surveillance | WIRED. [ONLINE] Available at: https://www.wired.com/story/linkuk-bt-google-free-wifi-and-calls-london/.
[13] Bridge, M. (2018) New BT In Link kiosks 'used for dealing drugs', The Times, 10th September [ONLINE]. Available at: https://www.thetimes.com/uk/crime/article/new-bt-in-link-kiosks-used-mainly-for-dealing-drugs-rlvlh7kgp

Left: The new BT 'Street Hub' advertising screen with attached telephone. Right: JC Decaux's new 'Communication Hub'.[14] *The companies have a right to install these phone boxes owing to their status as a 'Communications Code Operator' under the Communications Act 2003.*

Ugly phone boxes spoiling the newly completed, multi-million pound Princes Circus public realm scheme in central London.[15]

[14] JC Decaux, the world's largest advertising company, acquired the phone box operator In Focus Public Networks Limited, including their statutory right to install phone boxes, for £11.25 million in 2016. (See https://outdoorserviceslimited.com/about)

[15] Image courtesy of Central District Alliance.

Councils are struggling to cope with box blight. Despite phone boxes occupying valuable public space, local authorities believe that they have limited legal ability to tackle the problem. This presents a problem for both day to day stewardship of place, and for improvement schemes. Councils can spend many millions on public realm improvements including new street furniture and paving, but must still accommodate old, ugly and unloved phone boxes into the design. One local authority officer we spoke to said:

> *'Despite requests to remove the telephone kiosks below, they refused. However, they are finally in the process of removing them but it is very frustrating that this work had to take place around these kiosks.'*

Removing or relocating phone boxes at present costs councils a lot of money. There is no widely used legal mechanism by which councils can request removal of a phone box, so it often comes down to informal negotiation. (Though in fact councils have rather more powers than they think. See Chapter 4). It has been reported to us that phone companies will request a fee of between £30,000 and £50,000 for removal, based on the lost revenue from calls and advertising.[16] This is many times the actual cost of decommissioning a phone box, so when project budgets are tight removal will not be feasible.[17] As one local authority officer put it:

> *'If we wanted to fix all the impassable obstacles … in one go, it would really explode our budget by ten times.'*[18]

This paper sets out the legislation, policy, and planning guidance governing phone boxes on public land, provides guidance on how existing powers could be used to tackle box blight and makes recommendations for policy change to make it easier to get rid of phone boxes we do not need.

[16] From discussions with local authority and CDA officers.

[17] The Valuation Office Agency guidance estimates that the typical removal cost is £1,100. See: Valuation Office Agency (2024) Rating Manual section 5a: valuation of all property classes - Public telephone and interactive kiosks (including AA/RAC kiosks)

[18] Centre for London (2023) Reducing Street Clutter in Central London, p. 33

Chapter 2

The history: the rise and fall of public dignity

The pre-history of the phone box. No street furniture has a perennial right to exist if it serves no public purpose or does not please the people and dignify their streets, a point which is well made by the now forgotten pre-history of the phone boxes. For 'public call offices,' as they were first called, do not in fact date from the 1920s or 1930s as most assume, but from the 1880s. The Postmaster General first authorised them in 1884, only five years after the very first British phone exchange.[19] By 1907 there were about 7,800 in Britain in a Hokey Cokey of styles from Parisian kiosks to garden pavilions with the most common being wooden sentry boxes, like cheap versions of those outside Buckingham Palace.[20] None survive *in situ*. They have all vanished 'like ghosts at cock crow.'

Left: A first generation 'sentry box' – to the best of our knowledge none of these survive. Right: Another early phone box, of higher quality, that didn't last. Ugly street furniture which outlives its utility disappears and should be allowed to do so.[21]

[19] This section is largely based on Stamp, G. (1989), Telephone Boxes. With additional information from: The Telephone Box | Kiosk No 1 (the-telephone-box.co.uk)

[20] Wooden sentry boxes by British roads were not a rare sight as they were used as shelter by road-menders responsible for the upkeep of a stretch of the public highway.

[21] Images courtesy of BT Digital Archives, licensed under Creative Commons.

The creation of a classic. In 1921 the General Post Office, now in control of most of the national telephone network, created its first attempt at a national design, the so-called K1 Kiosk. In essence a sentry box in concrete with a wooden door, it was not judged a success. Although around 6,300 were installed, they were not popular. Local authorities resisted their deployment or demanded local improvements. In Eastbourne, the council even required the addition of a thatched roof. To the best of our knowledge, only seven K1 kiosks remain, of which only five are outdoors. All are Listed.[22]

Two of the seven remaining K1 Kiosks in Newsholme Dean and the Isle of Wight from the original 6,300.[23]

Two competitions were therefore run in 1923 and 1924, the first by the Metropolitan Boroughs Joint Standing Committee and the second by the Royal Fine Art Commission, commissioned by the Post Office. From this emerged the classic Giles Gilbert Scott design judged most 'suitable for erection in busy thoroughfares of large towns.' Apocryphally inspired by the tomb of Sir John and Lady Soane, and sharing the same 'saucer' dome, the design was rapidly appreciated and spanned out across Britain and beyond for over 40 years. In total there were four designs, but all but a handful were the K2 telephone kiosk and the later and slightly smaller K6 telephone kiosk. Their historian, Gavin Stamp, called them a 'classical design of refined sophistication and timeless elegance,' a judgement which has been corroborated by innumerable postcards, surveys and tourists' photos. Improbably for a commercial response to a constrained brief, Scott created a British icon.

[22] The List Search Results for k1 telephone kiosk | Historic England. If there are non-listed K1 Kiosks then they are additional to this total. We have seen online commentary to that effect, for example: K1 Telephone Kiosk, Newsholme Dean, Keighley - 1464540 | Historic England.
[23] Images courtesy of Mark Anderson (CC BY-SA 2.0) (left) and Steve Knight via Flickr (CC BY 2.0) (right).

Sir John Soane's tomb and a K2 and a K6 telephone kiosk together.[24]

Queuing to use a K2 telephone kiosk, Parliament Square 2023.

The death of dignity. In January 1985, the newly privatised British Telecom announced a '£160 million modernisation for Britain's payphones,' including the destruction of all of Britain's existing telephone kiosks.' The proposals met with widespread dismay, particularly when their replacements, loveless 'glazed boxes of anodised aluminium and stainless steel with a band of yellow plastic' were revealed to an unimpressed public. The Guardian, no ally to traditional design, later commented that, 'BT has done its utmost to turn the phone box from one of the most famous and elegant pieces of street furniture into the most boringly ugly' calling the KX 'utterly bland' and 'plain nasty.'[25] Few would disagree.

[24] Images courtesy of Andy Scott (CC BY-SA 4.0) (left) and Amanda Slater via Flickr (CC BY 2.0 DEED) (right)
[25] The Guardian, 30 January 2001.

Campaigns were waged to object to the widely reviled glazed boxes, known as the KX series, and to save the classic design, but initially to little avail. Only the Listing of individual boxes, of pre-war kiosks starting from 1986 and of post-war K6s starring from 1987, has maintained telephone kiosks in situ.

What is happening to red phone boxes? As we have seen, we estimate that 9,500 historic red phone boxes remain, an approximate 85 per cent reduction from the 70,000 peak. Many have been protected via Listing. There are 2,350 individual Listings in England, covering an estimated 3,500 phone boxes.[26] Of these 9,500, around 3,500 (37 per cent) have been repurposed, leaving 6,000 as phone boxes.[27] Since 2008, BT has offered an adoption programme where communities and councils can purchase one of the phone boxes for only £1. These have been put to creative, and often essential, uses such as miniature libraries, 'joke exchanges,' defibrillator stores, and even cafes. There is even a secondary market for classic phone boxes. A K2 phone box in Stamford Hill recently went on the market for £15,000.[28] If you would like your very own garden phone box, an official refurbished K6 phone box will set you back £2,900 (plus VAT and delivery), nearly three and a half times as much as the £850 for a 1980's KX100.[29] It is also now possible to rent red phone boxes, via the online retail space marketplace Appear Here, from £50 a day and up to £2,000 a day in the most prominent locations.[30] They have reported that uses are incredibly varied, from individuals setting up coffee kiosks and florists, to major brands using them for launches or campaigns. Depending on the location, investors pay between £5,000 and £50,000 for a red phone box and they are mainly bought for their perceived appreciation value, rather than revenue generation.[31] Classic design, it would appear, has measurable monetary as well as civic value.

[26] Historic England – National Heritage List for England

[27] 70,000 figure from: The Guardian 2019. 'Ringing the changes: how Britain's red phone boxes are being given new life' [ONLINE] Available at: https://www.theguardian.com/technology/2019/aug/27/ringing-the-changes-how-britains-red-phone-boxes-are-being-given-new-life. Current figures based on Creates Streets analysis of Open Street Map (OSM) data.

[28] www.standard.co.uk. 2024. Grade II-listed red telephone box in Stamford Hill up for auction for £15,000 | Evening Standard. [ONLINE] Available at: https://www.standard.co.uk/homesandproperty/property-news/red-telephone-box-stamford-hill-15000-b1132487.html.

[29] www.x2connect.com. 2024. Red Telephone Box and Spares for Sale. [ONLINE] Available at: https://www.x2connect. com/shop/BT.

[30] www.staging.appearhere.co.uk. 2024. Retail Space, Venues & Pop-up Shops for Rent | Appear Here. [ONLINE] Available at: https://www.staging.appearhere.co.uk/.

[31] Telephone conversation with staff at Appear Here.

Phone boxes turned into a café in Greenwich, a museum in Oxford, and creating laughter in the Peak District.

Greening up a phone box in Islington, calling in for coffee in Twickenham, and providing lifesaving equipment in Marlow.

From ingenious café conversions to a beautifully simple book exchange, there is no limit to the ways in which phone boxes can be given a new lease of life.

For Listed phone boxes, the change of use requires planning permission. This is not always easy to obtain, resulting in phone boxes that have no viable function and with no option to be removed. Some of these are visibly decaying. Beautiful red phone boxes can suffer from box blight as well.

Historic phone boxes can also suffer from box blight. Neglected K6 phone booths in Lewes (Grade II Listed) and Deptford (unlisted), and a much-graffitied K2 phone booth in Whitechapel (Grade II Listed).[32]

Two red phone boxes struggling to find a viable use in the heart of Liverpool's historic centre between Liverpool Lime Street and St George's Hall.

[32] Image courtesy of Hjamesberglen (CC BY-SA 4.0 DEED) (right).

Other operators: the strange case of Hull. Visitors to the city of Kingston upon Hull are greeted by an unfamiliar sight, cream coloured phone boxes. Hull is the only place in the UK where the phone service is not provided by BT, but instead by KCOM, formally Kingston Communications. This is now a public company, but was originally set up and owned by the City Corporation, the council. Owing to its efficiency, it was the only municipal telephone company that was not absorbed into the General Post Office following the Telephone Transfer Act 1911.[33] When British Telecom was privatised out of the Post Office in 1984, Hull retained its independent telecoms company. When K6 phone boxes started to appear on the streets in 1930's, Hull chose to be different and painted theirs cream. And cream they remain.

A strange sight: cream coloured K6 and K8 phone boxes in Hull.[34]

Other operators: New World Payphones. Now part of the advertising giant Clear Channel, New World first introduced payphones in 1996. There are approximately 350 New World Payphones across major cities in the UK. These include repainted K2 and K6 phone boxes repainted black, conventional modern phone boxes, and newer 'kiosks' which are large advertising screens with a phone attached.[35]

Generations of New World phone boxes; repainted K6, a modern red box dating from the 1990's and the latest generation of 'kiosk'.[36]

[33] www.kcom.com. 2024. History | KCOM. [ONLINE] Available at: https://www.kcom.com/about-us/history/.
[34] Images courtesy of Calflier001 via Wikimedia (CC BY 2.0) (left), JThomas via Geograph (CC BY 2.0) (right).
[35] newworldpayphones.co.uk. 2024. KIOSK – New World Payphones. [ONLINE] Available at: https://newworldpayphones.co.uk/kiosk/.
[36] Image courtesy of Mike Peel via Wikimedia (CC-BY-SA-4.0) (left).

Chapter 3

The law: how are phone boxes allowed in our streets?

Telephone boxes have been deposited in our streets under broadly four different legal regimes.

1. *Council permission before the war.* Approximately 28,000 K Series phone boxes were installed prior to 1947.[37] Perhaps only a few hundred pre-war telephone boxes still remain. Most, if not all, of these are Listed.
2. *Permitted development between 1947 and 1995.* Approximately 177,000 phone boxes (of which approximately 11,000 remain) were erected under permitted development prior to 1995.[38] This includes approximately 62,000 that replaced earlier models. These are hard to remove.
3. *Permitted development between 1995 and 2019.* Approximately 32,000 phone boxes (of which approximately 2,000 remain) were erected under permitted development since 1995.[39] These are slightly easier to remove.
4. *Planning permission since 2019.* A small number of phone boxes, probably in the very low hundreds, have been erected since 2019. Their ease of removal depends on the specific planning conditions imposed when permission was granted.

Council permission before the war. Approximately 28,000 K Series phone boxes were installed before the 1947 Town and Country Planning Act, and would not have required planning permission as we know it today.

Permitted development between 1947 and 1995. Approximately 177,000 phone boxes, including approximately 62,000 replacements, were installed between 1947 and 1995. These were erected thanks to permitted development under The Town and Country Planning (General Development) Order 1948 and did not therefore require planning permission. In this order, 'telephone boxes' were listed under 'Class XIII. Development by Local Authorities.' Later orders changed the definition and class as set out below. A total of around 65,000 K6 phone boxes were installed, 56,000 of these were installed post 1947.[40]

[37] (K1: 6,300, K2: 17,000, K3: 11,000, K4: 50, K6: 9,000) Source: www.the-telephone-box.co.uk. 2024. The Telephone Box | Kiosks. [ONLINE] Available at: https://www.the-telephone-box.co.uk/kiosks/.

[38] Figures based on analysis of Open Street Map data and figures from Linge, N., Sutton, A (2017) 'The Evolution of the British Phonebox' Journal of the Institute of Telecommunications Professionals, 11(1), pp 25-31

[39] Figures based on analysis of Open Street Map data and figures from Linge, N., Sutton, A (2017) 'The Evolution of the British Phonebox' Journal of the Institute of Telecommunications Professionals, 11(1), pp 25-31

[40] www.the-telephone-box.co.uk. 2024. The Telephone Box | Kiosk No 6. [ONLINE] Available at: https://www.the-telephone-box.co.uk/kiosks/k6/.

Development Order	*Development Class*
The Town and Country Planning (General Development) Order 1948	Class XIII. Development by Local Authorities (ii) information kiosks, [..] telephone boxes [..]
The Town and Country Planning General Development Order 1973	Class XVIII. Development by statutory undertakers I. Post Office (i) the installation of public call offices (telephone kiosks) [...]
The Town and Country Planning General Development (Amendment) Order 1985	Class XXIV. Development by telecommunications code system operators.
The Town and Country Planning General Development Order 1988	Part 24 - Development by telecommunications code system operators. Class A. Development by or on behalf of a telecommunications code system operator [..] (a) the installation, alteration or replacement of any telecommunication apparatus.

Permitted development between 1995 and 2019. Between 1995 and 2019 phone boxes remained as permitted development. From 2015, this was under The Town and Country Planning (General Permitted Development) (England) Order 2015. Telephone operators continued to have automatic approval for phone boxes, providing they submitted certain information.

However, an important development occurred in 1995 when the General Permitted Development Order was changed so that phone boxes that were no longer in use through lack of use or operator neglect, effectively no longer had planning permission and might be removed. The precise wording ran:

> *'(2) Class A(a) and Class A(c) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall be removed from the land, building or structure on which it is situated— [...]*
>
> *(b) in any other case, as soon as reasonably practicable after it is no longer required for telecommunication purposes.'*

An importantly relevant January 2019 High Court test case ruled that:

- Phone boxes that were largely used for advertising were dual purpose structures and therefore did not constitute permitted development under the orders in force at the time; and that
- The conditions imposed on such permitted development were lawful, and it was straightforward to determine whether a phone box was no longer needed and could therefore be ordered to be removed. The ruling stated: 'It would be straightforward to judge whether a kiosk was required by an operator: it might have no telephonic equipment in it, it might be left unmaintained, unusable or unused.'[41]

This judgement was upheld at appeal in November 2019.[42] So, in short, there is a useful mechanism that allows local planning authorities to require phone boxes to be removed through planning enforcement if they are clearly no longer in use. As far as we are aware, phone boxes installed prior to 1995 are not subject to these conditions.

Planning permission since 2019. In May 2019 permitted development rights for the installation of phone boxes and kiosks, or their replacement with different models, were removed.[43] This included newer kiosks such as the BT Street Hub which, as we have seen, is more of an advertising screen than a public telephone. This is good news for planning authorities wishing to resist a proliferation of new call boxes that could clutter our streets. However, it does not help with existing booths that are no longer meeting a public need.

Any 'phone box' that has a dual function as an advertising screen, such as the BT Street Hub, Inlink's 'Kiosk' or the JC Decaux' Communication Hub,' and which was installed under permitted development rights in the last ten years, has been ruled to be unlawful development. It can therefore be removed through enforcement. This is thanks to the 2019 High Court case discussed on p. 21 which ruled that such phone boxes were dual purpose structures and therefore did not constitute permitted development.[44]

[41] Westminster City Council v Secretary of State for Housing, Communities and Local Government. Case Number: CO/3111/2018.

[42] New World Payphones vs Westminster City Council & The Secretary of State for Housing, Communities and Local Government. Case Number: C1/2019/0430.

[43] This was revised through The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 which inserted '(10) Development consisting of the installation, alteration or replacement of a public call box is not permitted by Class A.'

[44] Westminster City Council v Secretary of State for Housing, Communities and Local Government. Case Number: CO/3111/2018.

The changing pattern of permissions for phone boxes means that different types of phone box tend to have been permissioned under different regimes. For example:

- All K2 phone boxes and some K6 phone boxes were installed prior to The Town and Country Planning (General Development) Order 1948;
- Nearly all K6 phone boxes were installed via Permitted Development prior to 1995, in other words without the condition to be in use in order not to be removed;
- The first 'modern' phone boxes (the KX100s) were installed via Permitted Development prior to 1995, in other words without the condition to be in use in order not to be removed;
- The more recent 'modern' phone boxes (the KX+ series and others) were all installed via Permitted Development subsequent to 1995, in other words with the condition to be in use in order not to be removed;
- New World's black payphones (all subsequent to 1996) were installed via Permitted Development subsequent to 1995, in other words with the condition to be in use in order not to be removed; and
- The most recent BT Street Hubs (formally InLink) were installed via Permitted Development if they are prior to May 2019 and can be removed if they are no longer being used as phones. Hubs installed since May 2019 require full planning permission.

K2
1926 – 1934

- All pre-Town and Country Planning Act 1947.
- Approx 220 remain.
- All Listed.

K6
1936 – 1960's

- Some pre-Town and Country Planning Act 1947.
- Nearly all under PD since 1948.
- 2,279 Listed.[45]

KX100
1985 – 1996

- Permitted development without condition pre GPDO 1995.
- None Listed.

KX+
1996 –2001

- Permitted development with conditions under GDPO 1995 and subsequent revisions.
- None Listed.

InLink / BT Hub
2017 – to date

- Permitted development with conditions, up until 2019.
- Via full planning permission since 2019

[45] England and Wales. Scottish and Northern Irish status not enumerated.

All classical red phone boxes and many KX100s were permitted without a condition that could later facilitate their removal through planning enforcement. Many thousands of old phone boxes fall within this category and would be harder to remove than those installed after 1995.

There is also another category of phone boxes that are not subject to the conditions in the General Permitted Development Order; those that were installed without any approvals at all. Data is not available on the extent of this issue, but we are aware of examples in Camden. Where this occurs, if no enforcement action is taken within four years, the phone box effectively becomes 'lawful development' under the Town and Country Planning Act 1990.[46] This means that no enforcement action can be taken in regard to the original failure to apply for prior approval. As the phone box was not permitted under the General Permitted Development Order, the conditions set out above do not apply. In short, there is no planning enforcement mechanism available to have the phone box removed.

Why are phone companies allowed to build on public land anyway?

Phone companies are now regulated by the Communications Act 2003, which superseded the Telecommunications Act 1984.[47] This legislation sets out the 'electronic communications code' (the Code) which confers rights on 'code operators' such as phone companies. These rights include the power to install, keep installed and maintain 'electronic communications apparatus' on, in, or over public streets or roads. It also gives them the right to carry out street works in connection with this apparatus. Communications apparatus is defined by Schedule 3A para 5(1) as:

> *'(a) apparatus designed or adapted for use in connection with the provision of an electronic communications network,*
>
> *(b) apparatus designed or adapted for a use which consists of or includes the sending or receiving of communications or other signals that are transmitted by means of an electronic communications network*
>
> *(c) lines, and*
>
> *(d) other structures or things designed or adapted for use in connection with the provision of an electronic communications network.'*

[46] In accordance with Section 171B, no enforcement can be taken after four years of completion. Under Section 191 the owner can apply for a 'Lawful Development Certificate.'

[47] The 2003 act was amended by the Digital Economy Act 2017

This definition encompasses phone boxes and kiosks. Section 65 of the same Act gave powers to the Secretary of State to issue an Order that defines the level of telephone service that must be provided. The current order in force is The Electronic Communications (Universal Service) Order 2003. This states that: 'Public pay telephones shall be provided to meet the reasonable needs of end-users in terms of geographical coverage, the number of telephones and the quality of public electronic communication services.' In the UK BT is the designated 'Universal Service Provider' and is obligated to provide this service.[48] As we have seen, Ofcom's 2022 guidance sets out the minimum level of service that must be provided with the aim of protecting essential phone boxes from removal. BT may only remove a phone box without consultation if there are other phone boxes within 400 metres. If this is not the case, the phone box can only be removed if all of the following apply:

- There is mobile phone coverage from all four main operators;
- It is not in an area with a high frequency or suicides and accidents;
- There have been fewer than 52 calls in the last year; and
- There is no other evidence of reasonable needs, such as high frequency of calls helplines or reliance of the service in local emergencies such as floods.[49]

These criteria are normally only likely to be met in remote rural phone boxes in low coverage areas.

[48] With the exception of Hull as described above on pp. 14-15 where it is KCOM.
[49] Ofcom (2022) Guidance on public call boxes [ONLINE]

Chapter 4

The problem: the current regulatory framework is not solving box blight

What can councils do about box blight? Local councils have two functioning legal mechanisms which they can use to try to manage or remove problem phone boxes: one planning mechanism (the most significant) and one criminal behaviour mechanism.

Case Study – Camden's box battles

The London Borough of Camden has long tried to tackle the blight of phone boxes and were instrumental in lobbying for changes to the permitted development rights. Being a central London borough responsible for some of the capital's busiest streets, phone boxes have been a particular problem for Camden. Most painfully, a major programme of Camden and Transport for London public realm improvements have too easily been undermined by the presence of unloved, ugly phone boxes which the council are unable to remove.

Along the one kilometre stretch of Tottenham Court Road from the station to Euston Road there were recently 33 phone boxes attracting much antisocial behaviour and cluttering the busy pavements.[50] Officers, working with a planning barrister, investigated ways of using existing legal powers to oblige phone companies to remove these unused boxes. These included the use of Closure Notices under antisocial behaviour laws and planning enforcement powers, such as Section 215 Notices.

The most effective route was found to be through the use of Breach of Condition Notices where it could be shown that the phone boxes were no longer in use. It is not a simple method, as gathering evidence takes a long time and requires resources. Nevertheless, it was found to be effective: 33 phone boxes became 24.

Camden Council is now going after additional phone boxes, and thanks to this work there is now a template that other Local Planning Authorities can use. As one officer put it: *'We don't have to negotiate anymore, it's got to go.'*

[50] London Borough of Camden (2021) Report for Culture and Environment Scrutiny Committee 9th November – Phone Boxes [ONLINE]

However, in practice, and as set out in the table and text below, these are constrained in their application or hard to use for reasons of cost, process or precise legal definition. Certainly, they seem to be rarely used. The system is not working. Some councils, particularly Camden who pioneered the use of these powers, have had success in getting phone boxes removed, but the process is burdensome and resources are limited.

Other mechanisms have been investigated, based on work undertaken by Camden and our own additional research, that could technically be used but are unlikely to be effective, efficient or timely in their current form.

'Lever'	*Legal mechanism*	*When it should be relevant*	*Problems with its use*
Planning Law	Breach of planning conditions as set out in 1995 (or later) GPDO	When phone box is no longer in use as a public telephone (not used, disrepair, etc).	Only useful for those phone boxes installed under permitted development post 3rd June 1995.
Criminal Law	Closure Notice and then Closure Order under the Crime and Antisocial Behaviour Act 2014.	Where the phone box is attracting antisocial behaviour such as drug taking or dealing.	Will not lead directly to remediation or removal but has been successfully used. Only possible when there is recorded antisocial behaviour.

'Lever'	*Legal mechanism*	*When it could be relevant*	*Problems with its use*
Planning Law	Section 215 of the Town and Country Planning Act 1990	When the phone box is in poor state of repair and impacting on local amenity.	Will not result in removal. Onerous process and hard to define. Only enforceable for six months.
Environ-mental Law	Abatement notice under Section 80 of the Environmental Protection Act 1990	When the condition of the phone box is causing nuisance or is a risk to public health.	No known use of this power for phone boxes. Can take weeks or longer. Nuisance is very hard to define in law. Would not result in removal.
Building Law	Undertaking remedial work following serving of notice under the Section 76 of the Building Act 1984	When the condition of the phone box is causing nuisance or is a risk to public health and using Section 80 powers (above) would result in delay.	No known use of this power for phone boxes. In other cases it is rarely used. Cleaning and repair, not removal. Onerous process.
Building Law	Require remediation or demolition under Section 79 and Section 99 of the Building Act 1984	Where the phone box is in a state that is ruinous, dilapidated and neglected.	No known examples of this being used for phone boxes. Nuisance is very hard to define in law. Onerous process.
Highways Law	Serve notice under Section 149 of the Highways Act 1980	Where the phone box is found to be causing a nuisance	May be hard to prove that the phone box is causing a nuisance or obstruction. Onerous process.

Planning Law: leveraging breaches in planning conditions. Firstly, councils in principle have relevant powers in planning law. As one KC said of options available to councils, 'they have more powers than they think.'

The most effective method under the current law for removing surplus and nuisance phone boxes is when there has been a breach of the General Permitted Development Order 1995 and 2015. This is the most effective method for getting phone boxes removed, and works for more recent phone boxes. The approach was pioneered by officers at Camden Council who persevered for several years to tackle the issue. This has now paid off, and at least two other councils have now tried this approach.

As set out on p. 22 phone boxes erected under permitted development rights since 1995 have been done so under condition that they be removed 'as soon as reasonably practicable after they are no longer required for telecommunication purposes.' Therefore, once a phone box is proven not to be in use then enforcement action can be taken. Councils have three options:

- *Issuing a 'planning enforcement notice' under Section 172 of the Town and Country Planning Act 1990.* This is the least effective method. Enforcement notices can be appealed and the process can take years. When faced with aggressive letters from the legal teams of well-resourced telecoms companies, councils have tended to withdraw notice;
- *Issuing a 'breach of condition notice' pursuant to Section 187A of the Town and Country Planning Act 1990.* This is a stronger route. It offers no opportunity for appeal, barring judicial review. Once a notice has been served the recipient has up to 28 days to comply. Failure to do so is a criminal offence, so carries significant weight. Telecoms companies have shown themselves unwilling to fight it in court and find themselves on the wrong side of criminal law.
- *Serve an injunction under Section 187B of the Town and Country Planning Act 1990.* This is another little used but powerful tool that councils can use. Under these provisions the council can apply for the County Court or High Court to grant an injunction against any breach of planning condition.

It may be necessary to obtain evidence to prove that the phone box is not used and is therefore in breach of the planning condition. Telecoms companies are unlikely to volunteer this information. Fortunately, councils may issue a 'Planning Contravention Notice' under Section 171C of the Town and Country Planning Act 1990. This requires the telecoms company to provide information as to 'any

matter relating to the conditions or limitations subject to which any planning permission in respect of the land has been granted.' This can include information on the number of calls made from the phone box and advertising revenue.

Criminal Law: tackling anti-social behaviour. Another area where councils have relevant powers which have successfully been used to remove phone boxes, is criminal law. Under the Anti-social Behaviour, Crime and Policing Act 2014 local authorities have the power to issue a 'closure notice' and then obtain a 'closure order' from the court to close down or prevent access to a premise. These are used to tackle problems such as noisy parties or drug dens, or anything that is causing nuisance or disorder. The closure notice is only valid for 48 hours. Beyond this, a closure order is required by the court and this can remain in place for up to three months. The powers apply to any premise. Under the Act, these are defined as '(a) any land or other place (whether enclosed or not).' If an order is made, anyone entering the premises can be prosecuted, and the local authority can also recover the costs from the owner.

While this does not directly lead to the removal or restoration of a problematic phone booth, these powers are perhaps easier to use, and councils have more experience of using them.

The London Borough of Camden has had some success in using these powers to tackle anti-social behaviour at phone boxes on Tottenham Court Road. This resulted in the phone boxes being removed. However, the notice was not served as the threat was enough to prompt action from the operator. These powers have not been yet used 'in anger' against phone boxes. However, we have been advised that they might be effective.

Other powers investigated. The following powers may be able to help enforce proper upkeep of phone boxes and encourage their removal. However, all have issues and they have not been used, as far as we are aware, successfully to remove phone boxes.

- *The Town and Country Planning Act 1990, Section 215: Power to require proper maintenance of land.* This gives local authorities the power to require proper maintenance of land and property, if the condition of that land is affecting public amenity. Under Section 215, the local authority can serve notice on an owner or occupier of land and demand that they take remedial action. The definition of amenity is at the discretion of the Local Planning Authority. It has no formal definition in law or associated guidance. Once a notice is served the landowner or occupier has a minimum 28 days in which to start to take steps to remedy the condition of the land.

Quite often, a full notice does not need to be served as the threat of a notice is enough to prompt action. If the owner or occupier fails to comply with the notice they could be liable for a fine 'not exceeding Level 3 on the standard scale.' This is currently set at £1,000. Section 219 of the 1990 Town and Country Planning Act 1990 also gives local authorities the power to enter land to undertake any necessary works at the end of the notice period (as set out in the formal notice) and to recover the cost for doing so.

However, this is a power in principle not in practice. Although there must be some examples of its use, we have not been able to find any instances of this power being used to enforce the cleaning up of a phone box, although its use has been suggested by the London Borough of Camden.[51] It cannot oblige a phone box's removal, only to the improvement of its condition. This cannot therefore be issued to remove problematic phone boxes. However, it could be an effective tool to enforce the proper maintenance of historic red phone boxes that cannot, and should not, be removed.

- *The Environmental Protection Act 1990, Section 80: summary proceedings for statutory nuisances.* This gives the local authority powers to issue an 'abatement notice' to owners of premises that are 'in such a state as to be prejudicial to health or a nuisance.' This notice requires the execution of any works necessary to deal with the nuisance by a date specified. This can only result in cleaning and repair not removal, and 'nuisance' can be hard to define in law.

  Again, this cannot therefore be issued to remove problematic phone boxes. However, it could be an effective tool to enforce the proper maintenance of historic red phone boxes that cannot, and should not, be removed.

- *Section 76 of the Building Act 1984.* Under this power, a local authority may undertake the remedial works themselves within nine days to any defective premises 'in such as state as to be prejudicial to health or a nuisance' and if the owner or occupier does not take reasonable steps themselves. Use of this power is rare and it appears not to be used for phone boxes. In principle it might be applicable.

- *Sections 79 and 99 of the Building Act 1984.* Under Section 79 a council may require the owner of any 'ruinous and dilapidated buildings and neglected sites that are 'seriously detrimental to the amenities of the neighbourhood' to repair or demolish

[51] London Borough of Camden (2021) Report for Culture and Environment Scrutiny Committee 9th November – Phone Boxes.

them. Under Section 99, if the owner fails to comply, the local authority may undertake the works themselves and recover costs for doing so. In these circumstances, the owner would also be liable for a fine of £2,500.[52] Powers provided by the Act are typically used to deal with dangerous or dilapidated buildings, particularly those that are at risk of collapse, such as fire or water damaged buildings. However, the definition is, in principle, wide ranging.

Our understanding is that a phone box, in principle, falls under the definition of a building or structure as set out in the Act; 'any permanent or temporary building, [...] it includes any other structure or erection of whatever kind or nature (whether permanent or temporary).' Buildings belonging to statutory undertakers are, under Section 4, of the Act, exempt from parts of the Act that relate to building regulations, but are not exempt from the parts that include Section 76 and 79.

Again, we are not aware of any evidence that these powers have been used to remedy or remove problematic phone boxes. In principle it might be applicable.

The Highways Act 1980, Section 149. Councils have relevant powers in highways law. The Highways Act 1980 sets out local authorities' powers in relation to adopted highway land, or in other words, streets. Section 149 of this Act allows local councils to serve notices on owners requiring the 'removal of things so deposited on highways as to be a nuisance.' Anything that prevents pedestrians from moving freely, conveniently and safely along the pavement may be said to be a nuisance. An unused phone box that attracts antisocial behaviour might be argued to fall into this category. If no action is taken, the authority can take the complaint to a Magistrate's Court for enforcement. The court can make an order that allows the highways authority to remove it and then recover costs.

However, this process is onerous and time consuming and we understand that it is rarely used by highways authorities, unless there is a very clear danger.

The consequences of complexity. As will be very apparent from this and the previous chapter, the legal status in this area is very complex. Councils do have some powers, but they do not apply to many phone boxes, and many are hedged about with complexities of process and cost.

It is hardly surprising that many councils are not even using the powers that they do have. How can we improve the situation in the short term and the longer term?

[52] Level 4 on the standard scale.

Chapter 5

Recommendations: how do we banish box blight?

The good news is that it is now hard to install new phone boxes. Under The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) Regulations 2019, phone boxes are no longer classed as permitted development and local authorities have full planning control.

There are existing powers that can be better used. Let's use them. There is plenty of opportunity to speed up current processes and increase awareness; *'councils have more powers than they think'* as Saira Kabir Sheikh KC told us. The excellent work of Camden, Westminster and other councils has proven that phone box blight can be tackled within the confines of the existing system, and this can be replicated elsewhere.

Recommendation one:
councils with the problem of 'box blight' should set much more ambitious targets to remove modern KX or more recent phone boxes using the mechanisms set out in Chapter 4. At present, this will predominantly help with phone boxes installed between 1995 and 2019.

However, there is more to do, even under the current legal arrangements to make this easier for councils.

Recommendation two:
the government, a national body such as the Local Government Association or a regional body such as the Greater London Authority or London Councils, should actively promote the use of the existing powers that councils have by publishing authoritative but accessible guidance with case studies on how to remove box blight. At present, this will predominantly help with phone boxes installed between 1995 and 2019.

This guide should set out:

- How to remove phone boxes installed post June 1995 and pre-May 2019, that may have breached the planning conditions under which they were installed, by:[53]
  - Issuing a 'Planning Contravention Notice' under the Town and Country Planning Act 1990 Section 171C (Power to require information about activities on land) if necessary to obtain information on use of the phone box and then:

[53] Refer to Sch 2 Part 24 A.2(2) of The Town and Country Planning (General Permitted Development) (England) Order 1995 and Sch 2 Part 16 A.2(2) of The Town and Country Planning (General Permitted Development) (England) Order 2015.

  - Issuing a 'breach of condition notice' under the Town and Country Planning Act 1990 Section 187A (Enforcement of conditions); or
  - Applying for an injection under the Town and Country Planning Act 1990 Section 187B (Injunctions restraining breaches of planning control).
- For other phone boxes and where there are problems with antisocial behaviour, the use a 'Closure Notice' and, if necessary, a 'Closure Order' under the Crime and Antisocial Behaviour Act 2014 Section 76 (Power to issue closure notice) and Section 78 (Power of court to make closure orders) respectively.
- Case studies of successful use of these and other relevant powers to tackle the blight of unused phone boxes.
- A simple visual identification guide that shows the common types of phone boxes and kiosks and:
  - Sets out the planning regime that they would have been installed under; and
  - For each type, lists the available legal powers available to have them removed or to enforce proper maintenance.
- Model enforcement notices and other templates, based on the planning and other powers described above, that councils can easily and quickly adapt.

This guide could be relatively quick and straightforward to put together as the background research has been undertaken as part of this report. We have set out below a flow chart from our analysis which council officers should already find helpful.

Flow chart of how to manage 'box blight' depending on age and status of phone box

However, it needs to be easier to remove phone boxes and above all phone boxes installed between 1984 and 1995. The mechanisms above will mainly be effective for those phone boxes installed between 1995 and 2019. However, this still leaves many thousands of phone boxes installed between the 1980s and 1995. The only way to tackle this issue is through a change to primary legislation.

Recommendation three:
the Ministry of Housing, Communities & Local Government (MHCLG) should amend the Town and Country Planning Act 1990 to make it easier to remove problematic phone boxes installed since 1984 as described in detail below.

Section 102 (Orders requiring discontinuance of use or alteration or removal of buildings or works) of the 1990 Act gives councils the power to make what is known as a 'discontinuance order' requiring the removal or modification of an existing building, even if it has planning permission. In our context, a council could simply order a phone company to remove phone boxes.

There are, of course, limits on this power. Councils can only make such an order for 'reasons of proper planning (including in the interest of amenity)' and all orders must be approved by the Secretary of State. The Secretary of State also has powers to make these orders if they see fit, under Section 104. In all cases, the council are liable to pay compensation under Section 115 of the same Act.

Two simplifications to this process would make it a viable option for councils wishing to tackle problematic phone boxes: the need to obtain consent from the Secretary of State and the need to pay compensation. Our proposed changes are set out below:

- *Amend Section 103 (Confirmation by Secretary of State of s. 102 orders)* to remove the requirement for orders to be confirmed by the Secretary of State for certain exempted developments. This could be done by amending sub section (1) as follows (the amended text is underscored):
  - *An order under section 102 shall not take effect unless it is confirmed by the Secretary of State, either without modification or subject to such modifications as he considers expedient, <u>except for the exempt classes of buildings, works or uses of land as set out in Schedule x.</u>*

  Then an additional schedule (number to be agreed) will be added to the Act that includes exemptions from the requirement to obtain approval for the Secretary of State. This shall include the following wording:

– *Part I – Exempt building types*

(1) Any public call box installed after 1984 and operated by an electronic communications code operator, except where it is required by a designated Universal Service Provider to fulfil their Universal Service Obligation as defined by Ofcom.

This would need to be backed up with clear definitions and could include other types of development.

- *Alternatively, allow General Confirmation for certain classes.* Instead of including the exemptions in the Act itself, this would allow the creation of 'General Confirmations.' a type of secondary legislation that can more readily be amended. This is similar to other tools such as General Consent Orders and General Approvals.[54] To do so, the following sub section should be added to Section 102:

  – *(1A) The power of the Secretary of State under this section includes power to provide general pre-confirmation for orders relating to classes of buildings, works, or uses of land.*

  The Secretary of State can then issue a General Confirmation that sets out types of exempt development, including phone boxes. This would include similar wording to the exemptions schedule set out above.

- *Review compensation under Section 115 (Compensation in respect of orders under s. 102, etc.).* The requirement for compensation for Section 102 orders is set out in Section 115 of the Town and Country Planning Act 1990. This allows:

  - Recovery of costs that are 'reasonably incurred' in complying with the order, less the cost of materials and apparatus that are removed. In other words, the phone company can be compensated for the costs of labour, pavement reinstatement and transport and machinery, but they cannot be compensated for the cost of the phone box as they get to keep it.
  - A claim for damages related to depreciation of land, or the "disturbance in enjoyment of the land" (in other words for nuisance caused by compliance with the order).

  In the case of phone boxes installed since 1984, the only applicable compensation should be for costs incurred in removal, such as machinery hire, labour, and reinstatement. This should be minimal and under Section 118 of this Act any disputes will be settled by the Upper Tribunal (Lands Chamber).

[54] For example, General Consent Orders are used to give consent to certain minor land transactions involving school land, without involving the Secretary of State as would normally be required under Section 77(5) of the School Standards and Framework Act 1998. See The Temporary School Land and Playing Fields General Disposal, Appropriation and Change of Use Consent 2020.

To avoid the need for recourse to a tribunal, it is recommended that the telecommunications industry, through a representative body and the government, agree a schedule of compensation to adequately reflect the cost of removals for phone boxes. This will simplify the process and avoid a situation where councils may be hesitant to take action due to uncertainty over costs involved.

Many historic phone boxes need love and a new lease of life. The iconic red K2 and K6 phone boxes are much loved and are generally in a better state of repair. This is partly due to the protections awarded to them by their Listed building status. While owners have no legal duty to keep Listed buildings in a good state of repair, local authorities have powers under the Planning (Listed Buildings and Conservation Areas) Act 1990 to require them to do so.[55]

However, planning is a barrier to converting Listed phone boxes into new uses. A recent proposal in Waterloo to change a disused K2 phone box into a coffee kiosk was rejected by planners on the grounds that it would cause harm, despite no external modifications being proposed.[56] As discussed above, many people have found enterprising uses for phone boxes and bringing them into use again must be preferable to leaving them locked and unused.

Recommendation four:
the Ministry of Housing, Communities & Local Government (MHCLG) should improve the ease of change of use and Listed building consent for remaining historic phone boxes installed before 1984 by creating a new permitted development class and using a new national Listed Building Consent Order as described in detail below.

- MHCLG should create a new permitted development class in the next amendment to the current General Permitted Development Order that allows change of use of Listed phone boxes to Class E, along with any associated minor alterations.
- Any change must be conditional, certain uses may not be permitted and only certain changes to the fabric must be permitted. There should also be a condition to restore the phone box to its existing condition once it is no longer require for its new use.
- Any changes would be set out in a short design code. As K2 and K6 phone boxes are a mass produced item, a national guide would be easy to produce and would reduce the burden on local planning officers, as well as businesses. A phone box pattern

[55] See Section 48 (Repairs Notice) and Section 54 (Urgent Works Notice) of said Act.
[56] See planning application 23/00239/FUL Application for Full Planning Permission for the change of use of former telephone kiosk to coffee shop (Use Class E).

box would not preclude other changes but would create a 'fast track' to acceptable changes.

In addition to planning permission, Listed Building Consent is also required for any change to those K2 and K6 phone boxes that are Listed. There is a relatively simple solution to this through use of a national Listed Building Consent Order (LBCO).[57] Such an order is made by the Secretary of State, rather than at the local council level, and can apply to standardised building types that are distributed geographically such as phone boxes. It is recommended that the Secretary of State for Levelling Up, Housing and Communities, working with and advised by Historic England, makes a national Listed Building Consent Order that permits changes in line with the aforementioned design code. This would significantly streamline the process and reduce the burden on local planning departments.

Recommendation five:
Historic England should improve the protection for remaining historic phone boxes installed before 1984 by Listing most or all of the remaining unlisted classic red telephone boxes.

As we have seen, there are 2,350 individual listings in England covering an estimated 3,500 remaining historic telephone boxes. Historic England run a programme of thematic listings and should consider listing a much higher proportion of remaining historic telephone boxes.

Associated ways to improve our streets. Modern communications and energy systems require numerous items such as masts and cabinets to be placed on public land. More tentatively, government might consider introducing similar new powers to help local authorities tackle issues with statutory undertakers' (including communications code operators) apparatus.

A collection of telecoms cabinets and a phone mast attracting graffiti.

[57] For more information on national LBCOs refer to: Historic England (2015) Briefing Note on National Listed Building Consent Orders

While there is existing guidance on ensuring these are sited with due regard to safety and amenity, this has not stopped them becoming a blight.[58]

Recommendation six:
MHCLG working with the Department for Science, Innovation and Technology, should consult on and draft new legislation to require that communication equipment is kept in a good state of repair under risk of fine, and also ensure that such equipment is rateable as set out in more detail below.

The new legislation should be drafted to achieve the following:

- Where an apparatus is situated above ground and in the public highway, local planning authorities should be given powers to require that this apparatus is kept in a good state of repair.
- Where the state of apparatus is detrimental to local amenity, or causing a nuisance, notice would be served that would require the undertaker to take remedial action or face meaningful fines.
- Incentivise removal and reduction of statutory undertaker equipment in the public highway through taxes or charges on any above ground equipment, this should include phone booths as well as other utility boxes such as electrical cabinets. This could be on an area or volume basis to encourage utility companies to reduce footprints of equipment. Phone booths are rateable, but the charge per annum is minimal at around only £50 to £100 a year.[59]

This could be achieved through amendments to existing planning or highways legislation.

[58] DCMS (2016) Revised Cabinet and Pole Siting Code of Practice Nov 2016
[59] Based on a typical ratable value of £100 to £200 per annum. See: Valuation Office Agency (2024) Rating Manual section 5a: valuation of all property classes - Public telephone and interactive kiosks (including AA/RAC kiosks)

Conclusion

Many phone boxes are now more of a detriment to our streets than a positive. They have become box blight, obstructive advertising boards masquerading as a public service and too often serving as a fulcrum for street clutter and anti-social behaviour. By contrast, we should better protect our few remaining beautiful and popular historic phone boxes while also making it much easier for them readily to change use into popular new uses.

This paper shows what councils can do now and what Government and Historic England can do to improve the situation in the longer term. Our streets have nothing to lose but their box blight.

Appendix

Distribution of Phone Boxes in the UK

1 : 3000000

1 : 375000

Distribution of phone boxes in the UK.[60]

[60] Phone box location data from OpenStreetMap © OpenStreetMap contributors. Contains OS data © Crown copyright 2024.

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