



Appeal Decisions

Site visit made on 17 February 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2025

Appeal A Ref: APP/L2250/W/24/3354753

Land Outside Shellons Street, opp 20 Cheriton Road, Folkestone CT20 1BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Thomas Johnston of New World Payphones against the decision of Folkestone and Hythe District Council.
 - The application Ref is 24/1274/FH.
 - The development proposed is the installation of 1 no. new communication Kiosk with integrated advertising display.
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Appeal B Ref: APP/L2250/W/24/3354755

Land Outside Shellons Street, opp 20 Cheriton Road, Folkestone CT20 1BU

- 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 Mr Thomas Johnston of New World Payphones against the decision of Folkestone and Hythe District Council.
 - The application Ref is 24/1324/FH.
 - The advertisement proposed is the installation of 1 no. new communication Kiosk with integrated advertising display.
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Decisions

Appeal A Ref: APP/L2250/W/24/3354753

1. The appeal is dismissed.

Appeal B Ref: APP/L2250/W/24/3354755

2. The appeal is dismissed.

Procedural Matters

3. There are two appeals relating to the site, one against a refusal of planning permission and the other against a refusal of advertisement express consent. They are intrinsically linked as one concerns the kiosk unit upon which an advertisement would be displayed. Both appeals raise similar issues. Whilst considering each appeal on its own merits this decision letter considers both appeals in one.

4. A revised version of the National Planning Policy Framework (the Framework) has been published since the applications were determined by the Council. I have had regard to the revised Framework in reaching my decision.

Planning Policy: Appeal A

5. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis. I have had regard to the policies of the development plan and the Framework only in so far as they are a material consideration relating to matters of siting and appearance.

Planning Policy: Appeal B

6. The provisions under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) require the local planning authority to assess the proposed development solely on the basis of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Main Issues

7. In respect of both appeals the local planning authority has not raised concern with regard to public safety.
8. The main issues relating to Appeal A are the effect of the kiosk on siting and appearance, those being the character and appearance of the area, and, Appeal B the amenity of the advertisement, that being visual amenity.

Reasons

9. The site is located next to a commercial shopping centre with other retail units close by. The shopping centre's large flank wall abuts the pavement and hosts little architectural detailing. The site is dominated in character by the adjacent large, flank wall of the shopping centre, together with being located beside a busy vehicular highway. There is limited street furniture within the vicinity of the site. The site is currently an area of open pavement that forms part of a wide pedestrian pavement at this location.
10. Advertisements in the area relate to projecting displays at intervals along the flank wall of the shopping centre. There is some signage on the side of the shopping centre building but these are limited in number. Otherwise the area does not host advertisements, other than highway related signage.
11. The kiosk would be positioned at a right angle to the vehicular highway and would be sited close to the kerb. It would therefore have a prominent siting within the streetscape. The kiosk would be of black painted steel and be open-fronted. The kiosk would be a large structure and appear more akin to an advertising panel rather than a traditional red telephone box. There are no other kiosks within the locality. Furthermore, there are no digital displays of the size proposed in the area.

12. The kiosk to some extent would replicate a telephone box in that it would host a public telephone. Nonetheless, the size of the kiosk structure appears to be led by the LED screen, which is a large and visually dominant feature of the structure. Whilst described as a kiosk, the structure would appear more akin to an advertisement panel with the telephone and other services appearing as secondary features upon the proposed structure.
13. The kiosk would be a large, visually dominant and intrusive structure located at a prominent location adjacent the vehicular highway and detract from the appearance of the street scene. The advertising panel with its illumination would add to its prominence and visual dominance within the street scene. It would not relate to any of the existing street furniture in the wider area. Consequently, the visually dominant and intrusive nature of the structure would detract from the character and appearance of the street scene. This harm would be clearly visible in public views along Shellons Street and Cheriton Road to both pedestrians and passing traffic. Whilst I accept the locality is somewhat of an ordinary urban setting, the proposal would not positively contribute to the local environment.
14. The public telephones hosted by the kiosks provide a lifeline within our communities and are more accessible to those with mobility impairments than traditional telephone boxes. The kiosks would also provide other facilities, such as, mapping information and a defibrillator. Furthermore, the advertisement panel could be used to display public health messages, alerts or be utilised by local businesses for advertisement purposes. Working alongside Trees for Cities the operators intend to plant a tree on an urban street for every phone kiosk installed. In addition, the kiosk would not fall within a conservation area or within the vicinity of a listed building. Whilst there are clear public benefits of the proposal, as well as environmental and economic benefits, these do not set aside those considerations pertaining to the proposals as set out under the main issues section above.
15. Conditions have been put forward that could control the timing and images displayed and/or the level of illumination. The advertisement proposal would also be subject to the five standard conditions set out in the Regulations. However, given my above findings I do not consider such conditions would ameliorate my concerns sufficiently to allow planning permission or advertisement consent to be forthcoming.
16. For these reasons, I conclude that the proposed telephone kiosk and advertisement would have a harmful effect on siting and appearance, those being the character and appearance of the area (Appeal A) and the amenity of the advertisement, that being visual amenity (Appeal B).
17. I have taken into account Policies HB1, RL2 and RL9 of the Folkestone and Hythe District Council Places and Policies Local Plan 2020 and the provisions of the Framework which seek to protect character, appearance and amenity and so are material in these cases. In respect of Appeals A and B Policies HB1 and RL2 require development to make a positive contribution to its location and surroundings. In relation to Appeal B Policy RL9 requires advertisements to be sensitively designed and located having regard to the character and general characteristics of the locality and their cumulative impact and visual prominence within the street scene. Given I have concluded that the proposals would harm the character, appearance and visual amenity of the area, the proposals conflict with

these policies. I have had regard to the representations received in respect of both proposals both at the planning application and appeal stages.

18. The Council's refusal reason relating to Appeal B implies that the proposal would impact upon the setting of a conservation area. However, as noted above, the site does not fall within a conservation area and the officer's report and statement of case for the Council do not comment upon any matters or policies pertaining to conservation area considerations. Equally the appellant has not offered any comment in regard of matters relating to a conservation area. It does not appear to me that there is any contention between parties in regard of matters pertaining to a conservation area. On the evidence before me I am not led to come to a different view on this matter.
19. The Council also contends that the proposals would compromise the missions of the Folkestone Place Plan as they would not meet the aspirations of the Place Plan. That Plan, although endorsed by the Council, has not yet been adopted and does not form part of the current development plan.

Conclusion

20. For the reasons set out above, I conclude that both Appeal A and Appeal B should be dismissed.

Nicola Davies

INSPECTOR