
Appeal Decisions

Site visit made on 10 June 2025 by J Reed MPlan

Decision by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal A Ref: APP/P3610/W/24/3356732

Land outside Epsom Gateway, Ashley Avenue KT18 5BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by New World Payphones against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 24/01249/FUL.
 - The development proposed is installation of 1 no. new communications Kiosk with integrated advertising display.
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Appeal B Ref: APP/P3610/H/24/3356733

Land outside Epsom Gateway, Ashley Avenue KT18 5BS

- 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 New World Payphones against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 24/01250/ADV.
 - The advertisement proposed is installation of 1 no. new communications Kiosk with integrated advertising display.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeals.

Preliminary Matters

4. The two appeals relate to the same appeal site and to each other. Appeal A relates to the refusal of planning permission for the proposed communication kiosk. Appeal B is in respect of refusal of advertisement consent for the digital advertisement display which would be an integral part of the proposed kiosk. I have considered each appeal on its individual merits, but as they raise similar issues, I have combined these cases in a single decision letter.
5. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) state that advertisements should be subject to control only in the interests of amenity and public safety. With respect to

appeal B, the development plan policies referred to by the Council are not determinative, but I have taken these into account as a material consideration.

Main Issues

6. The main issues in respect of Appeal A are the effect of the proposed communication hub on the character and appearance of the area and highway safety.
7. The main issues in respect of Appeal B are the effect of the proposed advertisement on the visual amenity of the area and public safety.

Reasons for the Recommendation

Character and appearance/ amenity

8. The appeal site relates to a section of pavement on the corner of Ashley Avenue within Epsom Town Centre. This section of footway consists of a wide section on the corner going into a bottleneck approaching Epsom Gateway. The pavement is flanked by the highway to one side and a verdant area of planting containing a free standing, non-illuminated sign for 'Epsom Gateway'.
9. Whilst not shown on the submitted plan, other street furniture is situated within the immediate vicinity of the appeal site including a public bench, road signage, advertisement signage highlighted above and protective railing abutting the highway. These existing items of street furniture are currently well-designed and spaced, with visual breaks between them. Furthermore, their layout caters for the appropriate movement of pedestrians and provides a place to sit in this busy town centre location.
10. The proposed kiosk would occupy a prominent position within the busy footway adjacent to Ashley Avenue. It would be relatively utilitarian in its appearance and through a combination of both its height and width the kiosk would be a visually intrusive and bulky addition to this section of the footway.
11. Furthermore, its siting directly adjacent to the highway in an isolated position would be viewed as a highly incongruous addition. Accordingly, the kiosk would appear as an isolated, large and overly dominant feature within the street scene. This impact would be exacerbated by the modern appearance and rotating advertising screen, which further highlights the incongruity of the proposal within its context.
12. As such, the incompatible and prominent siting of the proposed digital advertisement, made more conspicuous by its illumination and changing images, would undermine the existing qualities of the area. It would introduce visual intrusion and further heighten the prominence of the kiosk in this location. The proposed advertisement would therefore result in harm to the visual amenity of the area. This prominence would be the case even if the levels of illumination and the speed and frequency of image transitions on the display screen were carefully controlled.
13. Accordingly, Appeal A would unacceptably harm the character and appearance of the area. As such, it would conflict with Policy CS5 of the Epsom & Ewell Borough Core Strategy (2007) (CS) and Policies DM9 and DM10 of the Development Management Policies Document 2015 (DMPD), as well as Section 12 of the Framework. Together, these policies seek high quality design which respects local context and visual amenity of the area.

14. With regard to Appeal B, it would unacceptably harm the visual amenity of the area. In accordance with the Regulations, I have considered the provisions of the development plan so far as it is relevant. Policy CS5 of the CS and Policies DM9 and DM10 of the DMPD seek to protect visual amenity. As I have concluded that the advertisement would harm visual amenity, Appeal B conflicts with these policies as well as the amenity aims of the Framework.

Highway and Public Safety

15. As previously highlighted, I find the existing items of street furniture on this section of the pavement to be well spaced in wider sections of the pavement to allow for appropriate pedestrian movements.
16. To the east of the appeal site is a signalled pedestrian crossing providing access for pedestrians from Ashley Road and the opposing side of the highway. As such, during my site visit, which was on an early weekday morning, I saw that both the crossing and surrounding pavements particularly within the appeal site was heavily used with users approaching in both directions.
17. Based on the evidence before me and my observations on site, the siting of the proposed kiosk would be to the edge of the pavement and provide generous spacing to the west for pedestrians to pass in both directions even if the kiosk was in use. I note that those traveling in groups, those with buggies and/or those with a disability may require more space. However, I consider the distance between the proposed kiosk and adjacent planting to be sufficient to cater for these groups.
18. Furthermore, given the kiosk's location directly adjacent to the highway as well as the siting of the adjacent pedestrian railings, I would find it unlikely that pedestrians would choose to walk on the highway to pass the kiosk.
19. The proposal would therefore not diminish the existing movement function of the public realm on this section of the footway. I note the Council's concerns regarding private ownership of sections of the surrounding land and the potential for the footway to be taken out of use. However, I have no substantive evidence before me demonstrating how this might occur and therefore afford it limited weight.
20. I therefore conclude that the siting of the proposed hub would not have a harmful effect upon highway and public safety. The proposal would therefore comply with Policy CS16 of the Core Strategy 2007, Policies DM10 and DM36 of the Development Management Policies Document (2015) and Objective 3 of the Surrey Transport Plan which all seek amongst other things to ensure that all development is safe and easy to move around for those of all mobility levels, particularly by walking and cycling, with enjoyable routes free from obstacles. I also find no conflict with section 9 of the Framework where it states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety.

Other Matters

21. I have reviewed the public benefits put forward by the appellant including but not limited to the displaying of emergency messaging, advertisements for local businesses, providing communication for the public and the supply of a defibrillator. I also acknowledge that Chapter 10 of the Framework confirms that advanced, high quality and reliable communication infrastructure is essential for economic growth and

social well-being as well as supports the expansion of electronic communications networks.

22. However, it is not clear from the information before me to what extent there is a need for the publicly accessible facilities such as a public phone in the area over and above existing provision. The proposed use of the facility by the Council to promote their initiatives is also not explained in terms of whether this is needed or how it would be delivered. Furthermore, the appellant has not demonstrated there is a need for defibrillators within the town or what the existing situation is in regard to provision.
23. I note the appellant's suggestion of planting a tree either on site or elsewhere within the local authority boundary once the kiosk ceases to be in use. However, no specific details have been provided regarding the anticipated lifespan of the kiosk or a clear timeline for when such planting would occur. As a result, I afford this consideration only limited weight.
24. On balance, whilst I recognise that there would be some public benefits from the proposal, I find that they would be ancillary to the advertising aspect and as such only attract limited weight in this decision. I, therefore, am not satisfied that the benefits identified outweigh the visual harm from the proposal.
25. I have had regard to suggested conditions proposed by the appellant, as well as the standard conditions set out in Schedule 2 of the Regulations which relate specifically to Appeal B. However, these conditions would not overcome the harm I have identified.

Conclusion and Recommendation

26. I conclude that the appeal proposal would not have a harmful impact upon highway or public safety.
27. However, for the reasons given, I have concluded that the proposals would harm the character, appearance and visual amenity of the area and the benefits arising from the proposal would not outweigh these harms.
28. The proposal therefore conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision on Appeal A should be made other than in accordance with the development plan.
29. Therefore, for the reasons given, both Appeal A and Appeal B are dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

30. I have considered all the submitted evidence and my representative's report and on that basis the appeals are dismissed.

A Walker

INSPECTOR