



Appeal Decisions

Site visit made on 15 July 2025 by R Dickson BSc (Hons) MSc MRTPI

Decision by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal A Ref: APP/Z3635/W/25/3360856

Land outside 40-42 Church Road, Ashford TW15 2UY

- 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 Mr Thomas Johnston of NWP Street Limited against the decision of Spelthorne Borough Council.
 - The application Ref is 24/01406/FUL.
 - The development proposed is for the installation of 1 no. new communications Kiosk with integrated defibrillator and advertising display.
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Appeal B Ref: APP/Z3635/H/25/3360857

Land outside 40-42 Church Rd, Ashford TW15 2UY

- The appeal is made under Regulation 17 of the Town and Country Planning Act 1990 (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Thomas Johnston of NWP Street Limited against the decision of Spelthorne Borough Council.
 - The application Ref is 24/01407/ADV.
 - The development proposed is Installation of 1 no. new communications Kiosk with integrated defibrillator and advertising display
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Decision - Appeal A

1. The appeal is dismissed

Decision - Appeal B

2. The appeal 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 appeal.

Procedural Matters

4. 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.
5. The description of development for Appeal A and Appeal B differs on the application form and the council's decision notice, with the appellants description

excluding the telephone element. I am satisfied that the plans before me show that a telephone will be provided within the kiosk. I have therefore used the original description of development from the application forms in my banner headings above for consistency across both appeals.

Planning Policy: Appeal A

6. 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

7. 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

8. The main issues relating to Appeal A are the effect of the kiosk on character and appearance and highway safety, and, Appeal B the visual amenity of the advertisement and public safety.

Reasons for the Recommendation

Character and appearance and visual amenity

9. The character of the area is mixed use, with residential units, a car park, gym, and further away are retail and commercial units. The area is open with relatively low level buildings compared to the width of the road. Immediately near the site is a small square, with planting, trees and benches which forms a positive area of public realm. There is an indented area of pavement for car parking which runs along Church Road. The kiosk would be placed on the pavement near to the junction of Church Road and Pitcher Lane, where the pavement is widest.
10. Most of the advertisements in the area relate to the local businesses, and are generally static fascia signage. There is an existing kiosk-style structure on the opposite side of the road, which has a paper advertisement on one side, and a telephone on the other side, with a small glass and metal shelter around it.
11. The kiosk would be positioned at a right angle to Church Road, and given its position on the widest part of the pavement together with its height and width, it would be a prominent addition within the streetscape. The square near to the site is an open area with planted areas and trees, however the proposal would be an incongruous addition positioned at the edge of the square. In particular, the digital advertisement would introduce a busy element into the square and wider streetscape that is not experienced at present. In this regard, the advertisement would erode the character of the area.

12. Although there is existing street furniture in the area, including a bench and lamppost, the introduction of the kiosk would over complicate the existing site. It would be seen within wider views of the square and new development behind it and would appear to be sited without consideration for the open area of public realm. As such, the proposal would erode the open nature and simplicity of the existing site and would have a negative impact on the street scene, harming the character and appearance and visual amenity of the area.
13. I have been provided with a list of conditions by the appellant, which would control the timing and illuminance levels of the advertisement, amongst other things. The advertisement would also be subject to the five standard conditions set out in the Regulations. However, given my findings above, I do not consider that the suggested conditions would offset the harm I have found above to such an extent to warrant allowing the appeal on the grounds of visual amenity.
14. I conclude that the proposed kiosk and advertisement would have a harmful effect on character and appearance (Appeal A) and visual amenity (Appeal B). I have taken into account policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (2009) (DP) which seek to ensure development does not harm the character and appearance of the area, and so are material in these cases. Given I have concluded that the proposals would harm the character, appearance and visual amenity of the area, the proposals conflict with these policies.

Highway and public safety

15. The proposed kiosk would be positioned on the widest part of the pavement, and would be near to the square, which also accommodates pedestrians travelling along Church Road. In this respect, although pedestrians would need to navigate around the kiosk, it would have limited impact on the flow of pedestrians and would not harm pedestrian or public safety.
16. The kiosk would be positioned perpendicular to Church Road, and given its height and width, would block the view of traffic flow, particularly for vehicles approaching the junction from Pitcher Lane onto Church Road. Although this would have a limited effect for vehicles turning left, it would obstruct the visibility for vehicles turning right onto Church Road which would have a dangerous impact on highway safety. I note that there are other similar kiosks or advertisement boards in the area, however these do not have the same positioning as the proposal before me.
17. The junction has a dropped kerb with tactile paving which forms a pedestrian crossing point. Any pedestrians crossing here would be seen against the backdrop of the advertisement, which would divert the attention of drivers from the pedestrian crossing and junction. As such, the advertisement could be a distraction for drivers, creating an unsafe crossing for pedestrians in this location. This combined with the kiosk structure obstructing visibility for drivers would harm highway and public safety.
18. The main area of harm to highway and public safety is the kiosk structure itself given its height and width, and positioning perpendicular to the road near to the junction. For these reasons, I conclude that the proposed kiosk and advertisement would have a harmful effect on highway safety (Appeal A) and public safety (Appeal B). I have taken policy CC2 of the DP into account, and although it mainly seeks to promote sustainable travel, it highlights the importance of taking highway

safety into account, and so is material in these cases. Given I have concluded that the proposal would harm highway and public safety, the proposals conflict with these policies.

Other Matters

19. The appellant has put forward a number of benefits of the proposal, including the benefit of providing telephone access through an attractive and useful element of street furniture, as well as tree planting. While I have taken these benefits into consideration, given the existing public telephone on the opposite site of Church Road, the benefits of the provision of a telephone as part of the proposal are limited. The benefits of providing a defibrillator, 4G/5G connectivity and potential for tree planting are acknowledged, however these benefits alone do not outweigh the harm I have identified above, particularly with regard to highway and public safety.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that both Appeal A and Appeal B should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Baxter

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/Z3635/W/25/3360856	NWP Street Limited
Appeal B	APP/Z3635/H/25/3360857	NWP Street Limited