



Appeal Decisions

Site Visit made on 11 August 2025

by **Mark Caine BSc (Hons) MTPL MRTPI LSRA**

an Inspector appointed by the Secretary of State

Decision date: 5th September 2025

Appeal A Ref: APP/P0240/W/25/3366836

Land outside Unit 4 All Saints View, High Street, Houghton Regis LU5 5LQ

- 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 NWP Street Limited against the decision of Central Bedfordshire Council.
 - The application Ref is CB/25/00568/FULL.
 - The development proposed is installation of 1 no. new communication kiosk with integrated defibrillator and advertisement display.
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Appeal B Ref: APP/P0240/H/25/3366837

Land outside Unit 4, All Saints View, High Street, Houghton Regis LU5 5LQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by NWP Street Limited against the decision of Central Bedfordshire Council.
 - The application Ref is CB/25/00569/ADV.
 - The development proposed is Installation of 1 no. new communication kiosk with integrated defibrillator and advertisement display.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

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 they concern 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. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulate that advertisement control may only be exercised 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

5. The main issue with respect to Appeal A is the effect of the proposed development on the character and appearance of the area and highway safety.
6. The main issue with respect to Appeal B is the effect of the proposed advertisement on the visual amenity of the area and public safety.

Reasons

Character and appearance/amenity

7. The proposal would be sited on a wide area of pavement space to the southern side of High Street. This busy thoroughfare contains several zebra crossings and is situated within Houghton Regis town centre. Whilst this area of pavement may have previously been open and spacious, the large planters that the Council has referred to in its evidence have been implemented and were in situ at the time of my site visit.
8. The proposed kiosk would be of a modern, relatively simple design, with a powder coated steel frame, glazed panel and open side to allow for wheelchair access. The kiosk would have a footprint of approximately 1.1 metres by 0.8 metres and would be around 2.4 metres in height. On the west-facing side, there would be several facilities including a payphone, a touch screen, public wireless telecommunication services and a defibrillator.
9. Notwithstanding its commercial location, where people would expect to see advertisements and street furniture, my site observations confirmed that the proposal would be sited in very close proximity to one of the large planters. Due to this proximity and much larger scale in comparison to it and the other planters, along with its prominent position close to the edge of the highway, the proposal would result in the introduction of a dominant feature that would add unacceptable visual clutter into the street scene.
10. The proposed LCD screen on one side of the kiosk would be used to display commercial and community messaging and advertisements. Standalone LCD displays of a similar size to that proposed are not common in the immediate vicinity. Considering this, and despite its automated luminance control, and the ability to control the brightness of the screen via a condition, it would inevitably draw the eye, further accentuating the proposal's visual prominence, particularly on darker days or in the evening. The screen would thereby appear as an overly dominant and visually intrusive feature in this location which would detract from the amenity of the area.
11. It has been put to me that the overall area of advertising is smaller than other advertising formats found on street furniture. Conditions have also been put forward that could control the timing and images displayed, and to secure a management plan. The advertisement proposal would also be subject to the 5 standard conditions set out in the Regulations. Nonetheless, these would not mitigate all of the harm that I have identified in respect of this main issue.
12. I therefore find that the proposed telephone kiosk and advertisement would have an unacceptably harmful effect on the character and appearance of the area (Appeal A) and amenity (Appeal B). As such it would conflict with Policy HQ1 of the Central Bedfordshire Local Plan 2015-2035 (2021) (Local Plan) which seeks,

amongst other things, high quality development. It would also fail to accord with design advice contained within the Central Bedfordshire Design Guide 2023 (SPD) and Section 12 of the National Planning Policy Framework (the Framework).

Highway/Public safety

13. It is not unusual for drivers to experience this type of advertisement within a busy town centre environment, either as a free-standing advertisement or integrated into a bus shelter or other structure as proposed here. The kiosk has also been designed to ensure that the display will not be visible for near-side drivers approaching from the western direction. Moreover, the advertisement will display static rather than moving images that will not change rapidly, while the illumination would be within recommended levels for this type of location. These matters could be controlled by conditions. Consequently, I am satisfied that this type of advertisement in this location would not be a distraction to drivers such that it would undermine public safety.
14. Whilst the proposed kiosk would only be sited approximately 0.5 metres away from the kerb edge of the highway, I am also satisfied that the separation distance between it and the nearest zebra crossing would be sufficient to maintain adequate intervisibility between pedestrians using this crossing and the drivers of vehicles. As a result, I do not have any highway safety (Appeal A) or public safety (Appeal B) concerns. Accordingly, I find no conflict with Local Plan Policy T2 and Section 9 of the Framework which seek to avoid unacceptable impacts on highway safety.

Other Matters

15. I have been made aware that the location has been selected to ensure a suitable base level coverage of telephony across Central Bedfordshire and that it exceeds DfT national requirements in respect of remaining pavement space. It has also been put to me that the public telephones hosted by the kiosks provide a lifeline within communities and are more accessible to those with mobility impairments than traditional telephone boxes. The kiosks would be built from high quality durable materials and 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, which I am informed would contribute to Business Rates and the vitality and viability of the area. Working alongside Trees for Cities the operators also intend to plant a tree on an urban street for every phone kiosk installed. As such, there are clear public, environmental and economic benefits of the proposal. Nevertheless, these matters, nor the lack of harm to highway safety outweigh the harm that I have identified would be caused to the character and appearance of the area and amenity.

Conclusion

16. For the reasons set out above, both Appeal A and Appeal B should therefore be dismissed.

Mark Caine

INSPECTOR