
Appeal Decisions

Site Visit made on 9 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal A Ref: APP/P0240/W/25/3366832

Land outside 2 West Street, Leighton Buzzard LU7 1HH

- 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 Central Bedfordshire Council.
 - The application Ref is CB/25/00564/FULL.
 - The development proposed is Installation of 1 no. new communications kiosk with integrated defibrillator and advertisement display.
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Appeal B Ref: APP/P0240/H/25/3366833

Land outside 2 West Street, Leighton Buzzard LU7 1HH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Thomas Johnston of NWP Street Limited against the decision of Central Bedfordshire Council.
 - The application Ref is CB/25/00565/ADV.
 - The development proposed is Installation of 1 no. new communications 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 therefore not determinative, but I have taken these into account as a material consideration.

Main Issues

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

Reasons

Character and appearance/amenity

7. The proposal would be sited on an area of pavement space adjacent to The Mary Bassett Nursery on the northern side of West Street. This section of the busy thoroughfare contains 2 zebra crossings and is situated in an area that is characterised by a mixture of commercial, community and residential uses.
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 western facing side, there would be several facilities including a payphone, a touch screen, public wireless telecommunication services and a defibrillator.
9. Several items of street furniture are present in the area, including lighting columns, a bus stop, benches, and zebra crossing signals. Nevertheless, most of these are on the opposite side of West Street and the generous width of the pavement in this location means that it has the appearance of being uncluttered. The proposal would also be a tall and wide structure, with a rectangular block-like design. Its height, design and prominent position, close to the edge of the highway carriageway would result in it being viewed as an imposing and visually incongruous feature in 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, nor the style or the finish of the proposal, or presence of a nearby car park would mitigate the harm that I have identified in respect of this main issue.
12. I therefore find that the proposed kiosk and advertisement would have a 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. West Street is a busy highway. Nonetheless, given the location and proximity of 2 zebra crossings to either side of the appeal site, I observed highway vehicle speeds to be low at the time of my mid-morning site visit. It is also not unusual for drivers to experience this type of advertisement within a mixed-use environment, either as a free-standing advertisement or integrated into a bus shelter or other structure as proposed here. Furthermore, the kiosk has 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, this type of advertisement in this location would not be a distraction to drivers such that it would undermine public safety.
14. The proposed kiosk would only be sited approximately 0.5 metres away from the kerb edge of the highway and I am mindful that this section of pavement, near to a zebra crossing and outside of a primary school, may have some children and parents congregating, particularly at school morning drop-off and evening pick up times. However, this pavement area is approximately 7 metres wide. Although the proposal is larger than some of the existing street furniture, its size and separation from the zebra crossing to the north east, when combined with the generous pavement width, is such that it would not cause an unacceptable obstruction of views of vehicles for pedestrians. In the absence of any substantive evidence to the contrary, I am therefore satisfied that good intervisibility between approaching vehicles and pedestrians would remain. Accordingly, I do not have any highway safety (Appeal A) or public safety (Appeal B) concerns. As such, 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. It has been put forward 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 public telephones hosted by the kiosks provide a lifeline within communities, including to report emergencies, 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. It would also support designing out crime aims and by working alongside 'Trees for Cities' the operators 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 unacceptable 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 be dismissed.

Mark Caine

INSPECTOR