
Appeal Decisions

Site visit made on 5 August 2025 by T Morris BA (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2025

Appeal A Ref: APP/M0655/W/25/3364205

Land Outside 37 Sankey Street, Warrington, WA1 1XG

- 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 (NWP Street) against the decision of Warrington Borough Council.
 - The application reference is 2025/00050/FUL.
 - The development proposed is installation of 1 no. new communications kiosk with integrated defibrillator and advertising display.
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Appeal B Ref: APP/M0655/H/25/3364206

Land Outside 37 Sankey Street, Warrington, WA1 1XG

- The appeal is made under Regulation 17 of the Town and Country Planning Act (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Thomas Johnston (NWP Street) against the decision of Warrington Borough Council.
 - The application reference is 2025/00020/ADV
 - The advertisement proposed is 1 no. new communications kiosk with integrated defibrillator and advertising display.
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Decision

1. Both appeals are dismissed.

Appeal Procedure

2. 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.

Preliminary Matter

3. Both appeals share the same description of development which is taken from the application forms. Appeal A relates to the refusal of planning permission for the communications kiosk. Appeal B relates to the refusal of consent for the advertisement display. For appeal B, the Council has drawn my attention to relevant development plan policies. I have taken them into account as material considerations since the power to control advertisements may be exercised only in the interest of amenity and public safety under the above mentioned regulations. They have not therefore been decisive.

Main Issues

4. The main issues in the appeals are interlinked, and the Council has issued the same reasons for refusal on each. For appeal A they relate to the effect of the kiosk on a) the character and appearance of the area with specific regard to the setting of listed buildings and the Bridge Street Conservation Area (CA); and b) highway safety. For the purposes of the regulations, these translate to the effect of the advertisement element on amenity and public safety respectively.

Reasons for the Recommendation

Character and Appearance/Amenity

5. The appeal site is within the pedestrianised primary shopping area where commercial uses predominate. Even though this part of Sankey Street is enclosed by buildings, it nonetheless has a pleasant open feel to the street scene which contributes positively to the character and appearance of the area. There are some trees and limited low level street furniture such as cycle stands, benches, as well as some outside seating. The generally uncluttered nature and thus quality of the public realm around the appeal site is further emphasised by the restriction of advertisements mainly to shop front facias and limited projections. Despite my site visit taking place during the day, I could see that illumination thereon was subtle. Where free standing signage was apparent, they tended to be limited to small scale A boards and direction signs.
6. Several grade II listed buildings are nearby, albeit at some distance from the appeal site. These include Barclay's Bank, National Westminster Bank and the Woolworths building. These are fine buildings which feature impressive classical style frontages with high-quality decorative architectural features. They contribute to a strong imposing presence along Sankey Street and in that regard, they make a significant contribution to the historic character and appearance of the townscape. The Church of the Holy Trinity, which is grade II* listed is further away from the appeal site. It is a major landmark in the town centre, and thus also contributes positively to the historic character of the townscape. The site is also near to the edge of the CA. The significance of the CA is partly derived from its collection of 18th, 19th and 20th Century commercial and ecclesiastical buildings. The properties along Sankey Street mark the origins of the present cruciform street pattern of the 18th and 19th Century commercial streets.
7. Although the kiosk would be located in a mixed-use urban area, due to its overall scale together with its freestanding location, it would appear as a prominent and cumbersome feature in the pedestrianised area. It would appear noticeably larger and bulkier than the generally streamlined street furniture on this part of Sankey Street and it would add additional street clutter to a largely open area. The digital advertisement panel would cover an excessively large portion of the kiosk and would be overly conspicuous in comparison to the collective modesty and thus unassuming qualities of the other advertisements in the area.
8. The kiosk would be located a significant distance away from the listed buildings. Therefore, while glimpses of the buildings would be viewed in the backdrop of the kiosk, this would be limited to long views only. The church would be even further away from the kiosk and is unlikely to be visible in its backdrop. Accordingly, as the kiosk would not be viewed in the same context as the listed buildings, it would not be harmful to their settings in the visual sense or detract from the quality of their

contribution to the historic town centre. Having regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the settings of the listed buildings would be preserved. For similar reasons and owing to its location outside of the CA as well as the considerable distance to its boundary, the kiosk is unlikely to be visible in any views into or out thereof. Consequently, the proposal would also not be harmful to the setting of the CA.

9. Nonetheless, and in relation to appeal A, the proposed development would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policy DC2 of the Warrington Local Plan (2023) (WLP) which, amongst other matters, requires that proposals contribute positively to the local character and the public realm. In regard to appeal B, and for the same reasons, the scheme would be harmful to the amenity of the area. Accordingly, it would fail an assessment of such under the above mentioned regulations. The schemes would comply with Policy DC6 of the WLP, which seeks to conserve or enhance the historic environment in Warrington. But this would as a result of a lack of harm and thus neutral.

Highway/Public Safety

10. I observed some signage on my site visit which indicates that vehicle access is prohibited to this area except for loading between the hours of 07:30 to 10:00 and 16:00 to 18:00. Accordingly, the area is predominantly used by pedestrians and cyclists. Even accounting for the pillars of a building running along one side of the pedestrianised area, the generally limited amount of street furniture and the unincumbered nature of the public realm more generally allows for the unrestricted movement of pedestrians and cyclists.
11. The kiosk would be located in the pedestrianised area, in line with the cycle stand, benches and trees. Therefore, and despite its size, there would still be sufficient space leftover around to allow for the safe movement of pedestrians and cyclists. The pavement would therefore remain largely open and free of obstacles. Given the general absence of structures around the kiosk, a sufficient degree of sight lines and visibility around it would still be available. Furthermore, the use of illumination and changing imagery, while visually striking, would not be unacceptably distracting to the extent that it would result in a significant risk of collisions between all users of the space.
12. In the event that vehicles were to use the space for loading, while the kiosk would be taller and bulkier than most of the other street furniture in the area, it would be of a similar width to the cycle stand and benches nearby. It is therefore unlikely to cause an obstruction to vehicles any more than those existing features. In addition, there is no compelling evidence before me that the proposal would have a negative impact upon any statutory undertakers' plant or town centre surveillance.
13. The kiosk would be an additional piece of street furniture in a pedestrianised area. While there are limited details before me of the ways in which it would or would not be experienced by those with a visual impairment, given the spaciousness of this section of the pavement, there would be sufficient space for pedestrians, including the visually impaired, to pass by without obstruction.
14. For the above reasons, and in relation to appeal A, the proposed development would not be harmful to highway safety. It would therefore comply with Policy INF3 of the WLP which requires that proposals do not result in unacceptable harm to

pedestrian movement or the satisfactory functioning of the highway. In relation to appeal B, the proposed advertisement would not be harmful to public safety. As such, it would be acceptable under the regulations in regard to this main issue.

Other Matters

15. The communications kiosk would provide a public telephone service including free calls to emergency numbers and designated charities. It would also provide a defibrillator, as well as touchscreen wayfinding with local points of interest. It would be designed with accessibility, durability and security in mind and would be kept clean. It could also be used for income generation and public service purposes. I am also conscious that there is support for high quality communications infrastructure proposals in the Framework, as well as in the development plan. While these would be worthy of moderate weight due to their scale and level of influence, this is not sufficient to overcome the harm of the proposal on the character and appearance/amenity of the area. It would be wide ranging and long lasting.
16. Reference is also made to the appellant's partnership with Trees for Cities. However, the evidence before me indicates that this partnership involves a tree being planted when a kiosk is removed, but there is no indication before me that this proposal involves the removal of a kiosk. Furthermore, and aside from reference to a Grampian condition, there is little in the way of compelling evidence to demonstrate how this partnership works in practice and how such things could be insisted upon/controlled through any planning permission. This does not justify the proposal.
17. In addition to the five standard conditions set out in the Regulations, a series of conditions have been put forward which would restrict the use of moving imagery, control the illuminance and control the timing of images for the advertisement. However, these would not be sufficient to mitigate the adverse effects of the proposal which also relate to the physical installation of the kiosk onto which the advertisement would be mounted.
18. The examples referred to by the appellant all seem to be in different areas across the country and I am not aware of the full circumstances in which they were installed. In any case, these do not set a precedent, and I have assessed the proposal on its own individual merits and in its own site-specific circumstances. The examples do not therefore alter my conclusions on the appeals overall.

Conclusion and Recommendation

19. Whilst I have found in favour of the appeal schemes in regard to the second main issue, this would be a lack of harm and thus neutral. The harms I have found in regard to the first would, in regard to appeal A, result in conflict with the development plan, to which material considerations do not indicate a decision other than in accordance therewith. For appeal B, and the same main issue, the proposal would fail an assessment under the relevant regulations. With these matters in mind, I recommend that the appeals be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR