
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: 30 October 2025

Appeal A Ref: APP/P3610/W/24/3356734

Land outside Units 1 & 2, Capitol Square, 2-6 Church Street, Epsom KT17 4NY

- 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 24/01253/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/P3610/H/24/3356735

Land outside Units 1 & 2, Capitol Square, 2-6 Church Street, Epsom KT17 4NY

- 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 24/01254/ADV.
 - The advertisement proposed is installation of 1 no. new communications Kiosk with integrated defibrillator and 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 appeal.

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 kiosk on the character and appearance of the area.
7. The main issues in respect of Appeal B are the effect of the proposed advertisement on the visual amenity of the area.

Reasons for the Recommendation

8. The appeal site is located on a wide section of the pavement adjacent to Church Street which is within the town centre of Epsom. Church Street consists of mainly various commercial units. There is a variety of bollards and trees at various uniformed intervals as well as other street furniture such as a bin and a post box which contributes to a pleasant and typical urban environment and public realm.
9. The proposed kiosk would be freestanding, with an integral advert screen display for advertisements as well as range of publicly accessible communication functions. The services provided would comprise free calls to emergency services, interactive way finding, direct access to local webpages, a 24/7 publicly available defibrillator and device charging.
10. The proposed kiosk would be located adjacent to the kerb line and, due to the width of the pavement be some distance away from the retail units on this side of the highway. As a result, there would be some distance between the proposed kiosk and the commercial units; resulting in the kiosk appearing as a solitary feature that would be read as a remote structure displaying advertisements. 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.
11. Whilst the proposal would not disrupt pedestrian movement on the pavement - apart from its alignment, the proposed digital display would, through its size and appearance, be markedly out of keeping with the rhythm and consistency of the existing street furniture and would unduly detract from the spacious and open character of the public realm in this location.
12. The integrated digital display screen, capable of displaying several static images over time, would draw further attention to the freestanding display, and would be viewed in stark contrast to the static advertisements and signage serving the shops and business either side of the appeal site and within the wider street which are so typical of the character and appearance 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. Overall, even taking into account the busy commercial surroundings, and that there is existing street furniture present, I consider that the proposed digital display would be a visually obtrusive addition within this part of the public realm.

14. I have considered the appellant's suggestions for controlling the luminance and noise levels from the kiosk, including during the night and the frequency of changing the LED display. However, in this particular case these matters would not overcome my concerns with respect to the harm that I have identified.
15. 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.
16. 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 the 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 whether there is a need for defibrillators within the town or what the existing situation is in regard to provision. 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 public benefits identified outweigh the visual harm from the proposal.
17. 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.
18. 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.

Other Matters

19. 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.

Conclusion and Recommendation

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

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

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

A Walker

INSPECTOR