



Appeal Decisions

Site visit made on 8 October 2025

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th November 2025

Appeal A Ref: APP/L3625/W/25/3369698

Land outside 54 High St, Banstead SM7 2LX

- 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 Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 25/00879/F.
 - 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/L3625/H/25/3369702

Land outside 54 High St, Banstead SM7 2LX

- 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 Mr Thomas Johnston, NWP Street Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 25/00880/ADV.
 - The advertisement proposed is installation of 1 no. new communications Kiosk with integrated defibrillator and advertising display.
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Decision: Appeal A Ref: APP/L3625/W/25/3369698

1. The appeal is dismissed.

Decision: Appeal B Ref: APP/L3625/H/25/3369702

2. The appeal is dismissed.

Preliminary Matters

3. There are two appeals relating to the same site. Appeal A is against the refusal of planning permission for the communications kiosk and Appeal B is against the refusal of advertisement consent for the digital advertising display integrated within the communications kiosk. The appeals are intrinsically linked. I have considered each appeal on its individual merits, however, as they raise similar issues, I have combined both decisions into a single decision letter.
4. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) require that decisions are made only in the interest of amenity and public safety. I have taken the policies that the Council considers to be relevant into account as a material consideration. However, they have not, by themselves, been determinative for this appeal.

Main Issues

Appeal A

5. The main issue is the effect of the proposal on the character and appearance of the area.

Appeal B

6. The main issues are the effect of the advertisement on visual amenity and public safety.

Reasons

Character, appearance and visual amenity

7. The appeal site is a section of the pavement along High Street. It has a busy, commercial character. The street is tree-lined and has various items of street furniture which includes bollards, streetlighting, lampposts, bins and benches. There are also tables and chairs, and items for sale outside some of the commercial units. The presence of this street furniture gives the street scene quite a congested feel.
8. Despite the varied street furniture along the road itself, other than a nearby street tree, the area surrounding the appeal site is relatively clear of any fixed street furniture. This provides some visual relief. It is not uncommon to find modern street furniture within urban contexts. However, in the context of the appeal site, the introduction of the proposed kiosk in a location which is largely devoid of fixed street furniture would add visual clutter to this section of the street scene. This would not be offset by the alignment with the nearby tree. Given the extent of the existing street furniture along the wider street, the proposed kiosk would add to the proliferation of street furniture in the area.
9. The existing advertisements feature shopfront signage, which typically includes illuminated and non-illuminated fascia signs, projecting signs and fairly small-scale freestanding signs. Digital display advertisements are not common in this area.
10. Positioned near the kerb and standing over 2 metres tall, the proposed kiosk would be highly prominent. It would be much bigger than and out of scale with the more modest freestanding signage. Given this, and despite the quality of its materials and their durability, the proposed kiosk would therefore be a visually jarring addition to the street. The visual prominence of the kiosk would be further accentuated by its illuminated digital display.
11. Although planning conditions could control the level of illumination, display time, interval time, and manner in which the kiosk is maintained, this would not resolve the incompatibility of a digital advertisement displayed on such a large structure, in an area where freestanding digital advertisements are not commonplace.
12. In respect of Appeal A, for the reasons given above, the proposal would cause harm to the character and appearance of the area and would conflict with Policies DES1, DES10 and INF3 of the Reigate & Banstead Local Plan Development Management Plan 2019 (the Development Management Plan). These policies amongst other things, expect development to enhance the public realm, to not add unacceptable street/visual clutter and be sited and designed sympathetically to

minimise the impact on the character and appearance of the area. The proposal would also fail to accord with paragraph 135 of the National Planning Policy Framework which seeks development that adds to the quality of the area and is sympathetic to local character.

13. The reason for refusal in Appeal A, also cites conflict with the Reigate and Banstead Local Plan: Core Strategy 2014 (the Core Strategy), but does not specify which policies. The Officer Report refers to Policy CS4 of the Core Strategy, however the direct relevance of this policy to the proposal is not expanded upon by the Council.
14. In respect of Appeal B, for the reasons given above, the proposed advertisement would cause harm to visual amenity and would fail to accord with paragraph 141 of the Framework. I have also taken into account Policies DES1 and DES10 of the Development Management Plan in so far as they seek to protect visual amenity. The proposal would therefore conflict with these policies.

Public safety

15. During my site visit, albeit a snapshot in time, High Street appeared busy with both traffic and pedestrians. The proposed kiosk would sit close to the road and near the junction with Wilmot Way, drawing drivers' attention. Despite being set back from the kerb, its position would obstruct sight lines for drivers when turning right from Wilmot Way into High Street. This would compromise visibility and increase the risk of vehicles exiting the junction when it is not safe to do so, putting the safety of pedestrians and drivers at serious risk.
16. The County Highway Authority advises that the subsequent sight lines from Wilmot Way to High Street would be below the stopping sight distance for roads with a speed limit of 30 mph. Evidence provided demonstrates accident records which show incidents at this junction involving pedestrians and vehicles pulling out onto High Street. I have no substantive evidence to dispute these findings.
17. The advertisement would interfere with sight lines and distract drivers, posing a serious risk to highway safety. This issue cannot be resolved through planning conditions related to illumination or operating hours, as the problem lies in the physical placement of the proposed advertisement. Even if the pavement width meets Department for Transport standards for street furniture, this does not mitigate the identified harm to highway safety.
18. In respect of Appeal B, for the reasons given above, the proposed advertisement would cause harm to public safety. It would therefore conflict with the Regulations. I have taken into account Policies DES1 and DES10 of the Development Management Plan in respect of creating a safe environment and not compromising highway safety. The proposed advertisement would therefore conflict with these policies.

Other Matters

19. From the evidence, I note that the appeal site is near a Conservation Area. Given the site context and intervening distance, I am satisfied that the proposal would have a neutral effect on the character and appearance of the Conservation Area.

20. Regarding the decisions where kiosks have been supported, the Hillingdon¹ and Royal Borough of Kensington and Chelsea² cases appear to relate to replacement kiosks. This is different to the proposal before me. Whilst a similar scheme may have been approved in Middlesbrough³, there is little evidence to show that the context of this site is similar to that of the appeal site. As I am unable to draw any direct comparisons, these decisions are of very little weight.
21. In terms of benefits, the location aims to ensure adequate coverage across Reigate and Banstead. While public phone boxes can be essential for those without mobile phones or in areas with poor signal, no detailed evidence has been provided to show that this area suffers from poor signal or low mobile phone ownership.
22. Aside from reference to a Grampian condition, there is little in the way of compelling evidence to demonstrate how the Trees for Cities partnership works in practice and how such things could be insisted upon/controlled through any planning permission. There is also limited evidence that equipping the kiosk with 4G would enhance network coverage or reduce the need for additional infrastructure.
23. The kiosk would offer wayfinding and mapping. It could also be used for emergency messaging and discounted advertising for local businesses. However, it has not been demonstrated that there are no alternative ways to deliver these services without the proposal.
24. The proposal would also include a defibrillator which has the potential to increase the chances of survival when experiencing a cardiac arrest. Notwithstanding this, the Council has indicated that there are two defibrillators nearby. This has not been challenged by the appellant. As such, I am not convinced that there is an unmet need.
25. The weight afforded to the benefits associated with the proposal is tempered on account of the lack of supporting evidence. The harm identified to the character and appearance of the area, visual amenity and public safety would therefore not be outweighed by these benefits.

Conclusion

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

L Reid

INSPECTOR

¹ Appeal Ref: APP/R5510/Z/16/3157043

² Appeal Ref: APP/K5600/W/17/3190377

³ Council Ref: 22/0734/FUL

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/L3625/W/25/3369698	NWP Street Ltd
Appeal B	APP/L3625/H/25/3369702	NWP Street Ltd