
Appeal Decisions

Site visit made on 20 October 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th November 2025

Appeal A Ref: APP/Y3615/W/25/3368960

Land Outside 17-20 Friary Street, Guildford GU1 4EH

- 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 Guildford Borough Council.
 - The application ref is 25/P/00097.
 - The development proposed is installation of 1 no. new communications Kiosk with integrated advertising display and defibrillator.
-

Appeal B Ref: APP/Y3615/H/25/3368961

Land Outside 17-20 Friary Street, Guildford GU1 4EH

- 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 of NWP Street Limited against the decision of Guildford Borough Council.
 - The application ref is 25/P/00098.
 - The advertisement proposed is installation of 1 no. new communications Kiosk with integrated advertising display and defibrillator.
-

Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Appeal A relates to the refusal of planning permission to install a communications kiosk, whilst Appeal B relates to the refusal of express consent to display advertisements on the kiosk. I have combined the appeals into a single decision letter as they are intrinsically linked and raise similar issues, however I have considered each appeal on its individual merits.
4. In respect of Appeal B, the Regulations require that decisions are made only in the interest of amenity and public safety. In reaching my decision on Appeal B, I have had regard to the Development Plan policies cited in the evidence, but only in so far as these are material to amenity and public safety considerations.

Main Issues

5. The main issues are the effect of the proposal on:
- amenity, character and appearance of the area (Appeals A and B);
 - highway safety, with particular regard to pedestrian movement and public safety (Appeals A and B); and
 - flood risk (Appeal A).

Reasons

Amenity, character and appearance (Appeals A and B)

6. Friary Street comprises a busy linear commercial street with restaurants, cafes and shops situated at ground floor level. The street is pedestrianised, and the buildings are terraced with a variety of architectural styles. At the time of my visit many of the restaurants and cafes had outdoor seating areas which included non-permanent chairs and tables set on the edges of Friary Street. The outdoor seating arrangements are a prominent feature along Friary Street which contribute to an informal but busy town centre character and appearance.
7. The proposal would introduce a kiosk set to one side of the street. By virtue of its permanence, height and location the kiosk and advertisement would appear intrusive and unduly prominent compared to the small-scale furniture set on the edges of Friary Street associated with the restaurants and cafes. The development would therefore detract from the positive informal character and appearance of the edges of Friary Street.
8. There are also two similar kiosks within close proximity to the appeal site, one between Friary Street and Phoenix Court and the other situated on North Street. Paragraph 123 of the National Planning Policy Framework (the Framework) is clear that decision makers should not seek to prevent competition between operators or question the need for an electronic communications system. However, the effect on visual amenity, character and appearance is nevertheless material. The effect on the streetscene of introducing an additional kiosk within such close proximity to other existing kiosks would have an effect of harmfully cluttering the streetscene.
9. The appellant has referred to a number of permissions granted by the Council which they consider to be comparable to the appeal proposals. However, I have been provided with very limited information on these cases and I therefore cannot be certain whether the circumstances are directly comparable to the appeal proposals. I therefore do not consider these examples attract positive weight in favour of the proposals.
10. Therefore, in relation to Appeal A I conclude that the proposal would be out of keeping with the character and appearance of the area. This carries considerable weight against the development. The proposal would therefore conflict with Policy D1 of the Guildford Borough Local Plan Strategy and Sites (2019) (LPSS) and Policies D4 and D10 of the Guildford Borough Local Plan Development Management Policies (2023) (LPDMP). These policies, amongst other matters, seek to ensure that development responds to the distinctive local character of the area and ensures there is no harm to the amenity of the area.

11. With regard to Appeal B, the proposal would have a harmful effect on the amenity of the area. The same development plan policies as above have been considered as far as they are material, and in this respect, the proposal would conflict with the development plan.

Public and pedestrian safety (Appeals A and B)

12. The evidence shows that Friary Street is land classified as a public highway, however as previously described it is a busy pedestrianised commercial street where many of the restaurants and cafes have outdoor seating set on the street. This includes the restaurants adjacent to and opposite the proposed location of the kiosk.
13. The proposals would permanently restrict part of the footway of Friary Street and require pedestrians to filter to the side of the kiosk. The space for pedestrians to travel around the kiosk would be limited given the presence of the outdoor seating areas of the nearby restaurants which the plans before me do not account for. This would create a narrowing of the available space along Friary Street which would impede the free flow of pedestrian movements resulting in harm to pedestrian and public safety.
14. The appellant contends that the remaining pavement is wide enough to comply with the minimum desired distance of 1,500mm, as set out by the Department for Transport. However, I have not been provided with a copy of the guidance referred to by the appellant. I therefore do not know the context of this guidance and therefore can only afford it very limited weight. In any case, compliance with guidance would not mitigate or otherwise justify the harm that I have identified based on the site-specific context and circumstances of the case before me.
15. Therefore, in relation to Appeal A I conclude that the proposal would be harmful to the free flow of pedestrian movements and cause harm to highway safety. This would carry significant weight against the development. It would therefore conflict with Policy D10 of the LPDMP. This policy, amongst other matters, seeks to ensure that the position of advertisements does not result in harm to public safety.
16. With regard to Appeal B, the proposal would have a harmful effect on public safety. The same development plan policies as above have been considered as far as they are material, and in this respect, the proposal would conflict with the development plan.

Flood risk (Appeal A)

17. The evidence shows that the appeal site is situated within Flood Zone 3. Footnote 63 of the Framework is clear that a site-specific flood risk assessment should be provided for all development in Flood Zone 3. A flood risk assessment does not accompany the appeal scheme.
18. I have been provided specifications of the kiosk. However, this does not provide certainty over the risks of flooding from all sources, the potential to increase flooding elsewhere and what measures would be required to deal with the effects and risks. There is also insufficient information to determine if it is possible for the development to be located in areas with a lower risk of flooding.

19. Whilst the appellant contends that a flood risk assessment was not requested at validation or application stage, this does not justify the lack of substantive evidence before me relating to flood risk and the appeal scheme.
20. On this basis I find that insufficient information has been provided to identify and assess the risk of flooding associated with the proposal. This would carry significant weight against the development.
21. The proposal would therefore conflict with Policy P4 of the LPSS. This policy, amongst other matters, seeks to ensure that proposals within areas of flood risk are supported by a site-specific flood risk assessment that demonstrates the development will be safe for its lifetime, taking into account climate change, without increasing flooding elsewhere, and where possible, will reduce flood risk overall.

Other Matters

22. The Grade II listed buildings of Nos 23 – 29 High Street (odds) and 31 – 37 High Street (odds) are situated at the opposite end of Friary Street at the junction with the High Street. The Town Centre Conservation Area (the CA), which includes the high street, is also situated nearby. The Council confirm in its officer report that it does not identify any harm to these assets as a result of the proposals.
23. Based on the limited information before me, and from my observations on site, the significance of the CA relates to its wide variety of materials and architectural styles developed throughout various time periods. In particular, the nearby High Street demonstrates notable prominent buildings set along a wide linear street.
24. With similarly limited information before me, and based on my observations on site the significance of the Grade II listed Nos 23 – 29 High Street and Grade II listed Nos 31 – 37 High Street arises from their individual architectural merits along with their association with the historic High Street.
25. The proposed development would be set away from these heritage assets and would be situated in, and viewed within, the context of the more modern development set along Friary Street. On this basis, I am satisfied that the proposals would not adversely affect the surroundings in which these heritage assets are experienced. As such, the setting of Nos 23 – 29 High Street and Nos 31 – 37 High Street would be preserved and cause no harm to the significance of these heritage assets. Similarly, no harm to the surroundings in which the CA would be experienced would arise and therefore the character and appearance of the CA would be preserved by the proposals.
26. In relation to Appeal A, the proposal would provide some benefits through the provision of public access to telephony facilities, including free calls to emergency services and designated charities, it would offer wayfinding and mapping information, and the digital display could also be used to provide emergency incident messaging. There would also be a defibrillator included within the kiosk. It would offer economic benefits through businesses being able to advertise to the area and the kiosk being subject to business rates. However, given the small scale of the proposal and it having not been demonstrated that there are deficiencies within the area of the various facilities offered by the kiosk, these benefits would carry limited weight in favour of the proposal.

27. The appellant has also offered to plant an urban street tree for every kiosk they install. Whilst a Grampian condition has been suggested, no wording has been provided. I also have not been provided with any details as to where the tree would be planted and on what land. Insufficient details have therefore been provided to ensure such a condition would be necessary, relevant, enforceable, precise and reasonable and as such this would carry no positive weight in favour of the development.
28. These other matters do not outweigh the harms that I have identified.

Conclusion

29. Appeal A: The proposed development would conflict with the development plan as a whole and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, I conclude that Appeal A should be dismissed.
30. Appeal B: For the reasons given, I conclude that Appeal B should be dismissed.

C Housden

INSPECTOR