



Appeal Decisions

Site visit made on 11 November 2025

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2025

Appeal A Ref: APP/C3620/W/25/3369867

Land outside 36-48 Church Street, Leatherhead KT22 8DW

- 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 Mole Valley District Council.
 - The application Ref is MO/2025/0703/PLA.
 - The development proposed is the installation of new communication kiosk with integrated defibrillator and advertisement display.
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Appeal B Ref: APP/C3620/H/25/3369868

Land outside 36-48 Church Street, Leatherhead KT22 8DW

- 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 Mole Valley District Council.
 - The application Ref is MO/2025/0676/ADV.
 - The advertisement proposed is the 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.

Preliminary Matters

3. The appeals relate to the same overall proposal. They differ only in that Appeal A is for planning permission and Appeal B is for express advertisement consent. I have considered each proposal on its individual merits. However, to avoid duplication, I have dealt with both appeals together, except where otherwise indicated.
4. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.

Main Issues

5. The main issue in respect of Appeal A is the effect of the proposal on the character and appearance of the area, including its effect upon nearby listed buildings and Leatherhead Conservation Area.
6. The main issue with regard to Appeal B is the effect of the advertisement on the visual amenity of the area, including its effect upon nearby listed buildings and Leatherhead Conservation Area.

Reasons

Heritage assets, character and appearance

7. The site lies within the Leatherhead Conservation Area (CA). Hampton Cottage, Surrey House and Devonshire House, all designated Grade II listed buildings, are located near the site. Accordingly, I have had regard to the statutory duties set out in sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. Leatherhead CA is extensive and covers the town centre and its Victorian and Edwardian suburbs. The significance of the CA derives, in part, from the wide mixture of historic and traditional buildings. The southern section of Church Street, where the appeal site lies within, is one of the most distinctive and attractive parts of the town and forms part the very pleasant approach into the town from the south. There are several historic buildings grouped amongst some high-quality 19th century development. The land use character of the CA is a mixture of commercial and retail on ground floor with other uses above.
9. Hampton Cottage is a two-storey building dated to the mid-17th century, and its significance derives, in part, from its three-bay timber frame, off-white rendered walls and pantile roof. Devonshire House is a timber framed medieval hall house with a half-floored hall, dated to the 1520s. Its significance derives in part, from its historical interest and architectural details, including chimney stacks, red tile roof and dormer windows. Surrey House is a mid-19th century building and its significance derives, in part, from its white rendered façade, classical detailing, timber sash windows and railings located on each side of the central doorway.
10. The appeal site is a parcel of public pavement located at the junction between Church Street and The Crescent. The site is to the front of a small shopping parade predominantly comprising food and drink uses. The street furniture near the site includes traffic signs at the junction, street lighting and grit bin, in addition to the outdoor seating area associated with the nearby café. The pavement is wide, with a line of bollards at the roadside kerb edge. These existing items of street furniture are currently well-designed and spaced, with visual breaks between them. Due to its location, the site makes a positive contribution to the character of the CA and to the setting of the listed buildings referred to above.
11. Small-scale advertisements, including fascia signs and projecting signs, are present within the street scene. Normally, these advertisements are unlit and displayed in connection to an existing business.

Effect of the proposed communications kiosk (Appeal A and Appeal B)

12. The proposed freestanding communications kiosk would be relatively utilitarian in its appearance and through its scale and size, it would represent a visually intrusive and bulky addition to this section of the footway in comparison to other existing items of street furniture in the immediate vicinity, which are mainly of a slimmer design. In addition, when seen in the context of the existing street furniture, the proposal would create visual clutter, further detracting from the quality and appearance of the street scene. Its siting close to the edge of the carriageway would only exacerbate its visual prominence at the junction. The proposal would harm the character and appearance of the area and would detract from the significance of the CA.
13. Due to its siting, the kiosk would be visible in the foreground of the listed buildings along Church Street. Given the overall design and the bulky appearance of the proposed kiosk, together with its prominent position, it would harm the way in which the distinctive architectural features of the listed buildings are appreciated along Church Street and how they positively influence the historic experience of the public realm at this point. Therefore, while the proposed design would reflect the recognisable telephone kiosk heritage, it would nonetheless stand out sharply as a modern feature. As such, the proposal would detract from the setting of the listed buildings.
14. The proposal would introduce a freestanding advertisement which would not be directly connected to the existing businesses or services nearby. Moreover, the size and level of illumination of the advertisement element would emphasise the kiosks presence in the street and exacerbate the harmful effect of the proposed installation on the character of the area and heritage assets. This prominence would be the case even if the operation hours, levels of illumination and the speed and frequency of image transitions on the display screen were carefully controlled by condition.

Public Benefits and conclusions on the proposed kiosk (Appeal A)

15. In light of the above, the proposals under Appeals A and B would not preserve the character or appearance of the CA and would not preserve the setting of the aforementioned listed buildings. This would amount to a moderate degree of less than substantial harm. The Framework advises that where proposals would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
16. The proposal would offer a range of public benefits, including public telephony services with free calls for emergency numbers and designated charities, interactive wayfinding, accessible defibrillator, and would provide opportunities for Council communications to be displayed. It would offer discounted rates to local businesses, thereby contributing to the viability and vitality of the local area. The proposed design would be inclusive, robust, ergonomic, and would support natural surveillance. Taken together, these public benefits attract moderate weight.
17. The appellant suggests planting a tree either on site or elsewhere within the local area once the kiosk ceases to be in use. However, limited details have been provided regarding this 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 the proposed tree planting could be insisted upon/controlled through any planning permission. I would therefore give this limited weight.

18. Chapter 10 of the Framework confirms that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. It also seeks to support the expansion of electronic communications networks. However, these considerations are not without regard to the Framework as a whole. Therefore, overall, the moderate weight that I ascribe to the public benefits that would accrue from the proposal is not sufficient to outweigh the considerable importance and weight I attach to the harm to the CA and setting of listed buildings that I have identified.
19. The proposal would result in a harmful effect on the character and appearance of the area, would fail to preserve the character or appearance of the CA and would harm the setting of the nearby listed buildings. It would therefore be contrary to Policies EN4 and EN6 of the Mole Valley Local Plan 2020-2039 (2024) (LP), insofar as these policies support development of a high-quality design that makes a positive contribution to and respects the character and appearance of the conservation area in which it is set, and set out that less than substantial harm to a listed building will not be permitted unless the public benefits of the proposals outweigh the harm to the asset's significance.

Conclusions on the proposed advertisement (Appeal B)

20. The proposed advertisement under Appeal B would have a harmful effect on the visual amenity of the area, would fail to preserve the character or appearance of the CA and would harm the settings of the nearby listed buildings. In accordance with the Regulations, I have considered the provisions of the development plan insofar as it is relevant. LP Policies EN4 and EN6 seek to protect visual amenity. As I have found that the advertisement would harm visual amenity, Appeal B conflicts with these policies as well as the amenity aims of the Framework.

Other Matters

21. Whilst the proposed kiosk would not pose an unacceptable risk to public safety, this would not overcome the harm to the character and appearance of the area and to the heritage assets as I have identified above.
22. The appellant advises that the unit would be properly managed and maintained, so to avoid vandalism and to ensure that it would remain functioning and in good condition. Although I have no reason to doubt this, my decision is based on the planning merits of the appeal proposals.
23. Reference is made to several appeal decisions and planning applications pertaining to the installation of communications kiosks elsewhere in the country. While I do not have full details of the circumstances regarding such proposals, it is unlikely that the context and characteristics of these other streets would be directly comparable to the appeal site, particularly in light of its historic context. Consequently, I do not find that these cases provide compelling evidence to support this appeal.

Conclusion

24. I have concluded that the proposals under Appeals A and B would harm visual amenity, would not preserve the character or appearance of the CA and would

harm the setting of nearby listed buildings. Whilst the proposals would offer public benefits, these would not outweigh the harm that I have identified above.

25. For the reasons given above and having regard to all other matters raised, Appeal A and Appeal B should be dismissed.

P Terceiro

INSPECTOR