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## Appeal Decisions

Site visit made on 3 November 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 DECEMBER 2025

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### **Appeal A Ref: APP/C3620/W/25/3369869**

#### **Land outside 53-57 The Street, Ashted KT21 1AA**

- 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 Ltd against the decision of Mole Valley District Council.
  - The application Ref is MO/2025/0705.
  - The development proposed is installation of 1 no. new communication kiosk with integrated defibrillator and advertising display.
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### **Appeal B Ref: APP/C3620/H/25/3369870**

#### **Land outside 53-57 The Street, Ashted KT21 1AA**

- 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 Ltd against the decision of Mole Valley District Council.
  - The application Ref is MO/2025/0677.
  - The advertisement proposed is installation of 1 no. new communication kiosk with integrated defibrillator and advertising display.
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## **Decisions**

### Appeal A

1. The appeal is dismissed.

### Appeal B

2. The appeal is dismissed.

## **Preliminary Matters**

3. Appeal A concerns the refusal of planning permission to erect a communication kiosk. Appeal B concerns the refusal of express consent for an advertisement panel on the rear of the kiosk. The two appeals relate to the same site and to each other. I have considered each on its individual merits, but as they are intrinsically linked and raise the same issues, I have combined these cases in a single decision letter.
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 interest of amenity and public safety. Therefore, whilst I have taken account of the policies the Council considers to be relevant, these have not been decisive in my determination of this appeal.

## Main Issues

5. The main issues in respect of both appeals are the effect of the proposal on:
- the visual amenities of the locality; and
  - public safety.

## Reasons

### *Visual Amenity*

6. The appeal site is a wide stretch of pavement located outside of 53-57 The Street. This section of pavement is at the junction of two roads, the main road running through The Street and a service road. The proposal would be located within the public pavement, close to the edge of the highway. On this section of pavement there are bike stands, a lamppost and an area to park shopping trolleys adjacent to the supermarket next to the appeal site.
7. Mole Valley Local Plan 2020-2039 October 2024 (MVLP) Policy EN4 (Character and Design) aims for development to continue the tradition of high-quality architecture and urban design, respecting existing local character and introducing new styles sensitively and only where appropriate. The policy applies to all types of development proposals.
8. Policies AS-H5 and AS-En3 of the Ashted Neighbourhood Development Plan (NDP) require (amongst other considerations) development to be visually integrated with its surroundings and to have regard to the character of the local area and street scene.
9. The modern design of the proposal would not relate visually to its surroundings and due to its siting, size and appearance would be a prominent addition to The Street. As a result of the nature of The Street being a long straight road, the proposal would be prominent in long views and would detract from the existing street scene and cause harm to the visual amenity of the area.
10. The kiosk would result in visual clutter on the pavement when viewed in context with the existing bike stand, lamppost and trolley store. The existing street furniture is relatively discreet due to size and location (especially the trolley store) and most other signs are externally illuminated or have individual illumination of lettering. In contrast, the proposed kiosk with its larger scale of development and internal illumination on one side with a changing display would draw attention to the unit.
11. For the reasons given above, I conclude that the kiosk would unduly harm the visual amenities of the area. In relation to Appeal A, the proposal would conflict with Policy EN4 of the MVLP which requires all new development to be of high-quality design that makes a positive contribution to its local character.
12. In terms of Appeal B, I have taken into account the provisions of the development plan so far as they are relevant. Point 6 of policy EN4 of the MVLP outlines that the Council will exercise strict control over the number, design and siting of advertisements to ensure the character and amenity of streets are not materially harmed. As such, this is a material consideration insofar as it relates to this appeal. I conclude that the advertisement would be harmful to the visual amenity of the area.

### *Public Safety*

13. Policy INF1 of the MVLP seeks to ensure that development makes adequate provision for off street parking, servicing, vehicular access and egress and movements within the site.
14. Notwithstanding the view of the appellant that the kiosk has been sited with highway safety in mind, I consider that the siting of the proposal would intersect the line of sight looking south-west along The Street and would therefore obstruct visibility for vehicles joining The Street from the service road. I also note the suggested conditions in regards to luminance levels and hours of operation, however these would not alleviate the concerns over obstructing visibility.
15. The appellant has indicated that the kiosk could be relocated so it did not obstruct visibility when exiting the service road onto The Street. However, I am required to determine the appeal on the basis of the plans as submitted.
16. In conclusion, the location of the proposed kiosk would obstruct visibility for drivers joining The Street from the nearby service road, adversely impacting public safety. The proposal would not comply with Policy INF1 of the MVLP insofar as it would not make adequate provision for vehicular access and egress of the service road.
17. In terms of Appeal B, I have taken into account the provisions of the development plan so far as they are relevant. Policy INF1 of the MVLP outlines that development should make adequate provision for off street parking, servicing, vehicular access and egress and movements within the site. As such, this is a material consideration insofar as it relates to this appeal. I conclude that the advertisement would be harmful to public safety.

### **Other Matters**

18. The proposal would provide a number of public benefits to the local community, which in summary include access to a payphone, wayfinding and public information, wireless telecommunication services, a defibrillator and the display of community and emergency advertising as well as discounted advertising for local businesses. When removing the kiosk the appellant would also replace the kiosk with a suitable tree or provide a tree for planting in a different location in association with the Council.
19. These benefits would be in compliance with a number of the Council's development plan policies and relevant paragraphs of the National Planning Policy Framework, including paragraph 119 and 120 which state that, amongst other things, advanced, high quality and reliable communications infrastructure is essential for economic growth and wellbeing.
20. Whilst the benefits of the defibrillator and public telephone are acknowledged, there is a separate call box located further along The Street and a 24/7 accessible defibrillator located at Ashted Peace Memorial Hall north-west of the application site therefore the local area already has access to these beneficial features.
21. The proposal would give rise to adverse impacts in relation to the unacceptable effect on visual amenity and public safety in the terms that I have described above. I consider that the public benefits of the scheme should be afforded moderate weight and would not outweigh the harm to the visual amenity of the area or public safety that I have identified. Planning conditions could not overcome this harm.

22. In terms of the planning application, the harm and related policy conflict would be such that the scheme would not comply with the development plan when considered as a whole and material considerations do not indicate that the decision should be made otherwise than in accordance with the development plan. I conclude the planning appeal should therefore be dismissed.
23. With the advertisement appeal, the display in this position would be harmful to visual amenity and public safety and I conclude the appeal should also be dismissed.

## **Conclusions**

### Appeal A

24. For the reasons given above the appeal should be dismissed.

### Appeal B

25. For the reasons given above the appeal should be dismissed.

*C Coles*

INSPECTOR