
Appeal Decisions

Site visit made on 5 August 2025 by T Morris BA (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2025

Appeal A Ref: APP/M0655/W/25/3364200

Land Outside 2 Time Square, Dolmans Lane, Warrington WA1 2NT

- 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) against the decision of Warrington Borough Council.
 - The application reference is 2025/00048/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/M0655/H/25/3364201

Land Outside 2 Time Square, Dolmans Lane, Warrington WA1 2NT

- The appeal is made under Regulation 17 of the Town and Country Planning Act (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) against the decision of Warrington Borough Council.
 - The application reference is 2025/00018/ADV.
 - The development proposed is Installation of 1 no. new communications kiosk with integrated defibrillator and advertising display.
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Decision

1. Both appeals are dismissed.

Appeal Procedure

2. 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 Matter

3. Both appeals share the same description of development. Appeal A relates to the refusal of planning permission for the kiosk and B advertisement consent for that element. I have dealt with the two schemes together, being distinct where necessary. In regard to appeal B, the Council has drawn my attention to relevant policies. I have taken them into account as material considerations since the power to control advertisements may be exercised in the interest of amenity and public safety only

Main Issues

4. There are two main issues which are intertwined across both appeals. These are the effect of the proposed kiosk on the character and appearance of the area and

highway safety. Which translates to amenity and public safety for the purposes of the advertisement regulations and that specific element.

Reasons for the Recommendation

Character and Appearance/Amenity

5. The appeal site is within a pedestrianised part of Warrington town centre, around where Dolmans Lane meets Time Square. The immediate surroundings comprise some impressive modern buildings including the Warrington Market adjacent the site, as well as other commercial uses. There is an open and spacious feel which is complemented by the use of high-quality paving, landscaping and street furniture. Advertisements tend to be on buildings and digital screens are kept to a minimum. Overall, with its comprehensive design and uncluttered appearance, the appeal site forms part of an attractive open public space which makes a positive contribution to the character and visual amenity of the town centre.
6. Despite its modern design and durable materials, due to the overall scale and freestanding design of the kiosk, it would be a prominent and conspicuous structure. Its busy design (including the screen) and plain materials would detract from the overarching quality and consistency of the street furniture in the public realm. Furthermore, the large and illuminated advertisement panel would draw the eye of passers-by and appear discordant given the general absence of such things in the area. Consequently, the proposal as a whole would be an incongruous feature, unacceptably eroding the open and uncluttered quality of the public space and the surroundings.
7. The kiosk would therefore be harmful to the character and appearance of the area, and conflict with Policy DC6 of the Warrington Local Plan (WLP) (2023). Amongst other matters, it requires that proposals respect local character and contribute positively to the public realm. Similarly, the advertisement element would be harmful to the amenity of the area, failing an assessment against the regulations.

Highway/Public Safety

8. The kiosk would be roughly in line with the group of streetlamps and planting beds along Dolmans Lane, adjacent the outdoor seating area for the Cookhouse at Warrington Market. This section is wide and generally open aside from the street furniture. The space is protected by bollards and signage states that vehicle access is not permitted unless pre-authorised. Therefore, the majority of movements at the appeal site, as well as Dolmans Lane and Time Square more generally, will likely be pedestrians and cyclists. This is consistent with my observations.
9. Given that the kiosk would be set to the side, there would be sufficient space for pedestrians and cyclists to safely pass. Despite the size and location of the kiosk, given the openness and spaciousness of the area, it would not obscure sight lines to a significant degree and therefore sufficient visibility would be retained in and around it. Furthermore, the use of illumination and changing imagery would not be unacceptably distracting to the extent that it would result in a significant risk of collisions between pedestrians and cyclists.
10. The appeal site is located in an area which is generally free of vehicles. On my site visit I observed no obvious traffic signage. I am not therefore persuaded that the proposal would lead to unacceptable harm in terms of vehicle safety and

movement. Even if vehicles were to enter, I am satisfied that there would be sufficient space left over around the kiosk for them to manoeuvre safely. There is also no substantive evidence to suggest that the proposal would have a negative impact on statutory undertakers' plant or town centre surveillance.

11. While there are limited details before me of the ways in which the kiosk would or would not be experienced by those with a visual impairment, given the generous width of this section of the pedestrianised area, there would be sufficient space for pedestrians, including the visually impaired, to pass by without obstruction. For these reasons and the absence of sufficient evidence to the contrary, the proposal would be acceptable in terms of the effect on disability groups.
12. Neither appeal would therefore unacceptably compromise highway/public safety. As such the kiosk would, in regard to this main issue, satisfy Policy INF3 of the WLP. Amongst other matters, it requires that proposals do not result in unacceptable harm to pedestrian movement or the satisfactory functioning of the highway. The advertising element would be acceptable under the regulations for the same reasons, in regard to this main issue only.

Other Matters

13. Amongst other factors, the communications kiosk would provide a public telephone service including free calls to emergency numbers and designated charities. It would also provide a defibrillator, as well as touchscreen wayfinding with local points of interest. It would be designed with accessibility, durability and security in mind and would be cleaned every two weeks. The advertisement could be used for Council communications, providing information regarding elections, public health and emergency incidents. It would also generate business rates for the Council.
14. The proposal would therefore provide some social, economic and health related benefits to the area. I am also conscious that there is support for high quality communications infrastructure proposals in the National Planning Policy Framework, as well as the development plan. Despite this, and overall given the scheme's number and scale, these benefits amount to no more than a modest level of weight in favour and they do not outweigh the harm I have found.
15. In addition to the five standard conditions set out in the advertisement regulations, a suite of conditions have been put forward which would restrict the use of moving imagery, control the illuminance and control the timing of images for the advertisement. They would not be sufficient to mitigate the adverse effects of the proposal, and I have found no harm in regard to the second main issue.
16. The Trees for Cities partnership involves a tree being planted when a kiosk is removed. There is no indication that this proposal involves removal. Furthermore, 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 or how such measures, reasonably, could be secured out of the appeal scheme.
17. The appellant has secured approval for similar proposals across 60 local authority areas and I have had regard to the endorsements set out in the Overview and Specification document. However, the examples mentioned all seem to be in different areas across the country and I am not aware of the full circumstances in which they were installed. They do not therefore establish a precedent for the appeal proposal.

Conclusion and Recommendation

18. The proposal would be acceptable under the second main issue, but this would be a lack of harm and thus neutral. It would be incapable of outweighing the harm and subsequent development plan conflict (in regard to appeal A) that I have found in regard to the first. For appeal A, material considerations do not indicate a decision should be made other than in accordance with the development plan. The appeal scheme would also fail an assessment against the aforementioned regulations in regard to the first main issue. It is for these reasons that I recommend both appeals are dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeals are dismissed.

John Morrison

INSPECTOR