



Appeal Decisions

Site visit made on 30 October 2025

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal A Ref: APP/C3620/W/25/3369863

Land outside 114 High St, Dorking RH4 1BA

- 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 against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0670.
 - The development proposed is installation of a 1 no. new communication kiosk with integrated defibrillator and advertising display.
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Appeal B Ref: APP/C3620/H/25/3369864

Land outside 114 High Street, Dorking RH4 1BA

- 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 against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0671.
 - The advertisement proposed is installation of a 1 no. new communication kiosk with integrated defibrillator and advertising display.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Background and Main Issues

3. The two appeals before me relate to the refusal of planning permission for the communications kiosk (appeal A), and the refusal of advertisement consent for the integrated advertising display (appeal B). The proposed kiosk would be freestanding and would include a defibrillator, interactive information display, telephone equipment and a digital advertisement display.
4. In relation to appeal B, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that a Local Planning Authority shall exercise its powers under these regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.
5. Although I have considered each appeal on its own merits, the reasons for refusal on both appeals are essentially the same. Accordingly, I have addressed the appeals in a single decision letter.
6. Notwithstanding the Council's reasons for refusal, some interested parties have raised concerns regarding the absence of ICNIRP certificates with the appeals. The appellant was invited to comment on this matter and confirmed that such

certificates could be provided, while not disputing the requirement for the proposals to comply with ICNIRP guidelines. In these circumstances, it is reasonable to consider that there may be a potential issue relating to public exposure to electromagnetic fields. This is a matter of public health and therefore an important consideration for both appeals. Accordingly, it has been included within the main issues set out below.

7. The appellant has been given more than one opportunity to provide an ICNIRP certificate, and I have taken account of the responses received. These indicate that a certificate could be produced; however, despite repeated invitations, no certificate has been submitted.
8. In light of the above, the main issues for both appeals are:
 - whether the evidence demonstrates that the proposal(s) would safeguard against public exposure to electromagnetic fields, and
 - the effect of the proposal on the character and appearance of the area, including the effect on heritage assets.

Reasons

Public exposure

9. The specifications provided indicate that the kiosk would feature equipped with built-in small cell connectivity 4G/5G small cells such to enhance local cellular coverage and capacity in the area. Given this, and in the absence of any information to the contrary, the proposals would appear to constitute telecommunications equipment, and it is a requirement that confirmation is provided that the proposals are International Commission on Non-Ionizing Radiation Protection (ICNIRP) compliant. This is referred to at paragraph 122 of the National Planning Policy Framework (the Framework). The ICNIRP declaration, if provided, would ensure exposure to electromagnetic fields would be controlled according to standards.
10. Although the appellant has indicated that ICNIRP Certificates are available, the information before me does not include any evidence of those certificates, or other form of definitive confirmation that the proposed works would in fact meet the ICNIRP guidelines for telecommunications advice. Opportunities to provide such certificates have been provided.
11. In these circumstances, it is necessary to take a precautionary approach, and I am unable to conclude that the proposals would safeguard against public exposure to electromagnetic fields and thus lead to a detrimental effect on public health.
12. The appellant has suggested that ICNIRP certificates could be secured by condition if the appeal were to be allowed. However, the Framework and the Planning Practice Guidance¹ make clear that conditions should not be used to require compliance with other regulatory regimes. Conditions must meet the six policy tests, including necessity and reasonableness, and should only be imposed to make development acceptable in planning terms.

¹ 005 Reference ID: 21a-005-20190723 Revision date 23 07 2019

13. In this case, there is no substantive evidence before me that the proposal, as submitted, complies with ICNIRP thresholds. Imposing a condition to require such compliance would therefore be inappropriate and unreasonable, as it would seek to regulate matters outside the planning system and would not remedy the absence of evidence at decision stage.
14. The proposals would therefore conflict with the requirements of the Framework in relation to achieving healthy and safe places, and the requirement that electronic communications development does not exceed ICNIRP guidelines on non-ionising radiation protection. Although no corresponding conflict with any adopted development policy has been identified in this regard, the Framework is a highly material consideration to be taken into account.

Character and appearance

15. The appeal site lies within the historic core of the Dorking Conservation Area. This part of the area is significant for its street layout, consistent building lines and its architectural heritage, which is evident in the varied mix of Georgian, Victorian and earlier buildings. These buildings reflect the town's origins as a medieval market centre and illustrate its evolution over time. The presence of different building types, together with later additions and modern architecture, positively contributes to the character of the Conservation Area by demonstrating the growth and adaptation of Dorking across centuries.
16. Within the CA listed buildings and structures add to its historic character. Of particular relevance to this proposal are the Grade II listed granite setts, which form a distinctive strip of historic paving adjacent to the proposed kiosk location. These setts are of architectural and historic importance because they provide a tangible reminder of the former Market Place and retain traditional paving materials that reinforce the authenticity of the High Street's historic character.
17. The proposed kiosk would be set away from the line of the granite setts, which would remain in place and continue to serve as a visual marker of the former Market Place. The kiosk's partially open and lightweight design, combined with its modest scale, ensures that views of the granite setts along their full length between Nos. 108 and 140 would not be harmed. This relationship helps maintain the legibility of the historic feature within the streetscape.
18. Nos. 115–117 High Street is a Grade II listed townhouse with a 19th-century shopfront below. Its significance lies in the commercial architecture of that period, with classical detailing that, together with other buildings along the High Street, contributes to the area's historic character. The principal architectural interest is found on the upper storey, while the modern shopfront below does not detract from the building's overall significance. The appeal site is located opposite and would be read in the context of this shopfront and others nearby, rather than competing with the historic elements primarily at upper levels.
19. Looking at the CA more broadly, the kiosk adopts a recognisable heritage design and a partially open plan that gives it a lightweight appearance. While modern in form, it would sit comfortably alongside other contemporary street furniture such as traffic lights, equipment cabinets, signage and bins. Its low profile, modest scale and siting away from the most sensitive historic features, particularly the upper floors of listed buildings, and separated from the plaque on the nearby public house by a road, would allow it to integrate without harm.

20. Although the kiosk differs in form and scale from most other street furniture, the variety of existing items means it would still be perceived as part of this group.
21. Its position close to the pavement edge and in line with other street furniture would maintain the sense of openness along this section of the High Street. This siting would also preserve the ability to understand the location of the former Market Hall.
22. Nearby advertisements are generally within shopfronts and non-illuminated, and the Council's guidance discourages illuminated shopfront signage. However, the kiosk would be freestanding and located in an area with several existing light sources, including illuminated window displays within nearby and adjacent shops, as well as traffic and street lighting.
23. The digital display, subject to conditions controlling image change and illumination, would not undermine the character of the area. Although it does not directly relate to a specific premises, this is of limited significance. Greater weight should be given to the kiosk's design, its modest scale and its relationship with surrounding buildings and street furniture. Taken together, these factors ensure that the proposal would respect and maintain the character of the Conservation Area.
24. I have been referred to a dismissed appeal concerning a kiosk in Epsom Conservation Area. However, as I have not been provided with any details of that scheme, I am unable to make meaningful comparisons. The reference appears intended to suggest a precedent for refusing kiosks in conservation areas due to their impact on character and appearance. While I acknowledge that conservation areas can be more sensitive to modern forms of development or advertising, each appeal must be assessed on its own merits. It does not automatically follow that such development would be unacceptable in every conservation area.
25. In reaching a conclusion on the above, I have statutory duties under Sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Section 66(1) requires special regard to be given to the desirability of preserving the setting of listed buildings.
26. I find that the proposal would conserve the character and appearance of the Conservation Area. The setting of the listed buildings/structures — the granite setts and Nos. 115–117 High Street — would be preserved, and their significance as designated heritage assets would remain unaffected by the appeal scheme. More broadly, the kiosk would be acceptable in terms of its impact on the character and appearance of the area. In respect of Appeal B, I conclude that the proposed advertisement would not be harmful to amenity, having regard to its effect on the Conservation Area and nearby listed buildings/structures.
27. Taken together, the proposals—including Appeal B, insofar as the provisions of the development plan are relevant—would comply with Policies EN4 and EN6 of the Mole Valley Local Plan (2020–2039), which require new development to be of high-quality design, make a positive contribution to local character, and respect buildings of historical interest. The scheme would also accord with the relevant provisions of the Framework, particularly Sections 12 and 16, which seek development that is sympathetic to local character and ensure heritage assets are conserved in a manner appropriate to their significance.

Other Matters

28. In addition to the main issues addressed above, relating to character and heritage matters, letters of objection from interested parties have raised further concerns. These include matters of public safety, health, equality, climate change, the necessity of the proposal and the effect on the operations of Cups and Co (No 114). However, as I am dismissing the appeals on other grounds, it is not necessary to consider these matters further.

Planning Balance (Appeal A)

29. In respect of Appeal A, paragraph 119 of the Framework emphasises that an advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being. It also seeks to support the expansion of electronic communications networks. The proposed hub would therefore align with the Government's objective of improving digital infrastructure.
30. I have considered the public benefits of the proposed communication hub, which include the provision of a defibrillator, free calls to landlines and charities, free Wi-Fi, local wayfinding, and charging facilities. The hub would also be powered by green energy. In addition, the advertisement panel could display public health messages and alerts or be utilised by local businesses for advertising purposes, potentially contributing to Business Rates and supporting the vitality and viability of the area.
31. However, 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 demonstrate that this location suffers from poor signal or low mobile phone ownership.
32. The proposal includes the provision of a defibrillator. I have no evidence before me regarding the availability of public defibrillators in the area, as such, it is unclear whether there is a lack of availability. Nonetheless, there is still some benefit to public health from additional provision.
33. The appellant has also highlighted a partnership with the Trees for Cities charity, with an intention to plant a tree on an urban street for every phone kiosk installed. However, there is insufficient detail as to how this partnership would operate in practice, and I am not persuaded that this benefit could be secured through any planning permission.
34. In summary, the proposal offers clear public, environmental and economic benefits. Nevertheless, there is no substantive evidence before me that these benefits could not be achieved through a scheme that would avoid the identified harm. Furthermore, the weight afforded to these benefits is limited by the lack of supporting evidence. Accordingly, the harm identified in terms of public health would not be outweighed by these benefits.

Conclusion

35. In respect of Appeal A, whilst no conflict with the development plan has been identified, the requirements of the Framework in relation to public health are a weighty material consideration, which are not outweighed by other benefits, and which indicates that a decision should be made other than in accordance with it.

36. In respect of Appeal B, the display of the advertisement, would be harmful to public safety.
37. Therefore, for the reasons set out above, I conclude that the appeals should be dismissed.

R. Lawrence

INSPECTOR