



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/25/3369865

**Land outside Unit 25, The Swan Centre, High Street, Leatherhead KT22 8AH
Leatherhead**

- 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/2025/0674.
 - 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/C3620/H/25/3369866

**Land outside Unit 25, The Swan Centre, High Street, Leatherhead KT22 8AH
Leatherhead**

- 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/2025/0675.
 - The advertisement proposed is 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.

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 indicate that the kiosk would incorporate built-in 4G/5G small cell connectivity designed to enhance local coverage and capacity. On this basis, and in the absence of any evidence to the contrary, the proposals appear to constitute telecommunications equipment. It is therefore necessary to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines, as referenced in paragraph 122 of the National Planning Policy Framework (the Framework). An ICNIRP certificate, if provided, would ensure that exposure to electromagnetic fields is controlled in accordance with recognised 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 given.
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, which could result in harm to 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 Framework's requirements for achieving healthy and safe places and ensuring that electronic communications development does not exceed ICNIRP limits. While no corresponding conflict with adopted development plan policies has been identified, the Framework is a highly material consideration that must be taken into account.

Character and appearance

15. The appeal site lies within the Leatherhead Conservation Area (CA), which encompasses a broad section of the town. The site itself is situated in the central part of the CA, an area that forms the historic core. Of particular relevance is the junction of High Street and North Street, where a concentration of historic buildings—some of which are designated heritage assets—display façades of notable architectural quality and historic interest.
16. The buildings in this area are arranged to face inward, with stepped elevations that help define a courtyard-like space. These open areas, both within and around the junction, serve to highlight and enhance the visibility of the surrounding architecture. While the upper storeys generally retain their original character and reflect the architectural styles of their respective periods, the ground floor is dominated by shopfronts and other commercial uses. Many of these shopfronts are modern in design. Additional elements such as bollards, bicycle stands and a modern artistic seating feature contribute to a contemporary feel at street level.
17. This juxtaposition of historic architecture with modern interventions adds to the character of the CA by illustrating its evolution over time. The layering of styles and uses reflects the ongoing development of the town centre and contributes positively to its visual and cultural identity.
18. Within the CA, several listed buildings make individual contributions to its character. Nos. 10 and 12 High Street, No. 2 Bridge Street, and Nos. 1, 1A and 1B North Street are all Grade II listed and recognised for their architectural significance. Nos. 1, 1A and 1B feature a financial unit at ground level beneath a prominent canopy, while Nos. 10 and 12 High Street are distinguished by their sash windows and classical shopfront detailing. No. 2 Bridge Street occupies a corner plot and is notable for its Jacobean-style timber framing, gables, and fenestration, with frontages onto both North Street and the High Street.
19. Accordingly, 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.
20. The appeal site occupies a broad section of pavement outside the Swan Shopping Centre, within a busy pedestrianised area east of the High Street and North Street junction. It sits directly in front of a diagonal modern façade forming the shopping

centre's entrance, clearly separated from the junction, the open square, and nearby historic buildings.

21. This physical and visual separation limits the site's relationship with the key historic elements of the Conservation Area. As such, I consider that the site and its immediate surroundings make only a modest contribution to its character and appearance. The proposed kiosk would be positioned in a way that preserves this separation and would not materially affect the established relationship with the more sensitive historic context.
22. Set back from the main east–west pedestrian route and behind the established building line along the northern side of the High Street, the kiosk would sit comfortably within the available space. Its modest scale—significantly smaller than adjacent buildings and façades—means it would not dominate the streetscape. The generous width of the pavement allows the structure to be accommodated without eroding the sense of openness or interrupting key views along the High Street. Adequate separation from other street furniture would also help avoid a cluttered appearance.
23. While the kiosk would appear in some limited views of nearby listed buildings, particularly when exiting the Swan Shopping Centre, its presence would be softened by its partially open design and modest proportions. It would be most prominent against the modern ground-floor frontages, rather than in direct relation to historic façades. The heritage-style design, identifiable for its intended purpose, reflects the mixed character of historic architecture and contemporary shopfronts. Its open form, combined with appropriate colour and materials, would give a lightweight appearance and help avoid any adverse visual impact within the CA.
24. Most free-standing advertisements along this section of the High Street are non-illuminated, though fascia and window displays are common and contribute to the busy commercial character. Against this backdrop, the proposed low level of illumination—and with controls over the speed of change between advertisement displays—would sit comfortably within the modern street scene and would not appear intrusive.
25. I have been referred to two other appeal decisions relating to kiosks, both of which were dismissed on character and amenity grounds. These were located on Epsom High Street² and on North Street, in relatively close proximity to the appeal site³. However, I have not been provided with specific details regarding the design or appearance of those schemes.
26. In the case of Epsom High Street, the location is some distance from the appeal site and there is no evidence to suggest it is directly comparable. The kiosk outside 25 North Street, which I observed during my site visit, occupies an edge-of-centre location with a more open and verdant character. On this basis, I do not consider either example to be directly comparable to the site before me.
27. I find that the proposal would conserve the character and appearance of the Conservation Area. The setting of the listed buildings—Nos. 10 and 12 High Street, No. 2 Bridge Street, and Nos. 1, 1A and 1B North Street—would be preserved, and their significance as designated heritage assets would remain unaffected by the

² APP/P3610/W/24/3345301 & APP/P3610/Z/24/3345303

³ APP/C3620/W/25/3364080 & APP/C3620/H/25/3364081

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.

28. 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

29. 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 and the necessity of the proposal. However, as I am dismissing the appeals on other grounds, it is not necessary to consider these matters further.

Planning Balance (Appeal A)

30. 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.
31. 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.
32. However, although public phone boxes can be important for individuals without mobile phones or in areas with poor signal, no detailed evidence has been submitted to demonstrate that this location experiences poor signal or low mobile phone ownership.
33. The proposal includes the provision of a defibrillator. I have no evidence before me regarding the availability of public defibrillators in the area, and therefore it is unclear whether there is a shortfall. Nonetheless, the additional provision would offer some public health benefit.
34. The appellant has also referred to a partnership with the Trees for Cities charity, with an intention to plant a tree for every phone kiosk installed. However, there is insufficient information on how this arrangement would operate in practice, and I am not persuaded that this benefit could be secured through planning permission.
35. In summary, the proposal would deliver certain public, environmental and economic benefits. However, there is no substantive evidence before me to show that these

benefits could not be achieved through a scheme that avoids the identified harm. Moreover, the weight that can be given to these benefits is limited by the lack of supporting evidence. Accordingly, the harm identified in relation to public health would not be outweighed by these benefits.

Conclusion

36. In relation to 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.
37. For Appeal B, the display of the advertisement, would be harmful to public safety.
38. Accordingly, and for the reasons outlined above, I conclude that both appeals should be dismissed.

R Lawrence

INSPECTOR