



Appeal Decisions

Site visit made on 26 November 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal A Ref: APP/A1015/W/25/3373929

Land Outside 468 Sheffield Road, Whittington Moor, Chesterfield S41 8LP

- 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 Chesterfield Borough Council.
 - The application Ref is CHE/25/00413/FUL.
 - The development proposed is the installation of 1 no. new communications Kiosk with integrated defibrillator and advertisement display.
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Appeal B Ref: APP/A1015/H/25/3373930

Land Outside 468 Sheffield Road, Whittington Moor, Chesterfield S41 8LP

- 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 Chesterfield Borough Council.
 - The application Ref is CHE/25/00420/ADV.
 - The advertisement proposed is described as 'Installation of 1 no. new communication Kiosk with integrated defibrillator and advertisement display'.
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Decision

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

Preliminary Matters

3. The two appeals are made in relation to the same appeal site and to each other. Appeal A relates to the refusal of planning permission for a freestanding communication kiosk (the development). Appeal B relates to the refusal of advertisement consent for a digital display screen (the advertisement) which would be integral to the development. I have determined both appeals on their merits but, to avoid duplication, dealt with the two together below.
4. In respect of Appeal B, the Council has drawn my attention to Policies CLP20 and CLP21 of the Chesterfield Borough Local Plan 2020 (LP), and I have taken them into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) reiterates this approach. Therefore, in my consideration of Appeal B, the Council's policies have not, by themselves,

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

been decisive. The Council has not raised any issues of public safety. Based on the evidence before me, I see no reason to disagree.

Main Issues

5. For Appeal A, the main issue is the effect of the development on the character and appearance of the area, including on the setting of Peter Webster Centre, a non-designated heritage asset (NDHA).
6. For Appeal B, the main issue is the effect of the advertisement on amenity.

Reasons

7. The appeal site occupies a section of pavement on the western side of Sheffield Road, where the footway is noticeably broader than that to the north and on the opposite side of the carriageway. The section of Sheffield Road close to the appeal site is varied, accommodating a mix of commercial and residential uses. The appeal site lies in front of a commercial building set well back from the road, and opposite Peter Webster Centre, a locally listed building. This NDHA is set back from the road and has several trees to the front. Its significance, insofar as relevant to this case, lies primarily in its historical and communal interest as a former school building.
8. The width of the appeal site's pavement, combined with the absence of street furniture or other vertical elements, gives the pavement a clean, uncluttered appearance. The simplicity and openness of this part of the street contribute positively to its character and to the setting of the NDHA, providing visual relief within an otherwise busy urban corridor.
9. Advertising in the vicinity is generally limited to signage associated with individual premises, either on façades or immediately adjacent to them. This pattern creates a sense of visual order and coherence, helping to manage the diversity of building forms and uses. It is an important characteristic that underpins the street's overall legibility and contributes to its visual quality.
10. The proposal comprises a freestanding kiosk measuring approximately 2.4 metres in height, 1.1 metres in width, and 0.8 metres in depth, incorporating a display screen with static advertisements changing every 10 seconds. Positioned at a right angle to the carriageway, the structure would introduce a prominent vertical element into an otherwise open section of pavement. Its scale, orientation, and illuminated display would draw attention when approached from both the north and south, making it a conspicuous feature within the street scene.
11. While the design draws on the form of traditional public phone boxes, making it broadly recognisable, this does little to mitigate its impact. The introduction of a new freestanding structure would interrupt the openness and simplicity that characterise this part of the pavement, diminishing its uncluttered quality. This harm would be compounded by the inclusion of a large, illuminated advertising display, which, due to its scale, changing imagery, and prominent siting, would appear visually intrusive and discordant within the immediate context, where advertising is generally modest and closely related to individual premises. Taken together, the kiosk and advertisement would undermine the established sense of order, eroding the character, appearance, and visual amenity of the street scene.

In doing so, the development would diminish the contribution that the setting makes to the NDHA's significance.

12. In terms of the approach set out in the Framework at paragraph 216 regarding NDHAs, given the scale and nature of the development, the arising harm would be less than substantial. Given the scale and siting of the development in relation to the setting of the NDHA, within the 'less than substantial' category of harm, the proposal would cause limited harm. Paragraph 216 also sets out that in such circumstances a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
13. The appellant suggests that a tree could be planted either on the site or elsewhere within the local authority area once the kiosk is no longer in use. However, no details have been provided regarding the expected lifespan of the kiosk or a clear timeframe for when such planting would occur. In the absence of this information, I can give this consideration only limited weight.
14. The proposal would provide services such as 4G connectivity and free calls to emergency services, and I have no reason to doubt that it would be well maintained. These are public benefits that align with the Framework's objective of delivering advanced, high-quality, and reliable communications infrastructure, which is essential for economic growth and social well-being. I also acknowledge that in areas with poor mobile coverage, or for individuals without access to a mobile phone, a public call box can offer an important means of making vital calls. However, there is no substantive evidence before me to indicate that mobile network coverage in the area is poor. Similarly, I have seen nothing to suggest that mobile phone ownership levels are unusually low, such that there would be a significant demand for public telephony facilities.
15. The kiosk could display public messages, including those from the Council, and offer discounted advertising for local businesses. It would also provide useful information such as maps, points of interest, and emergency contact numbers, and incorporate a defibrillator, a facility that could make a critical difference in cases of cardiac arrest. These are positive aspects of the proposal.
16. However, the weight I can attach to these benefits is limited. There is no evidence of an unmet local need for the services proposed, nor that similar facilities could not be delivered through alternative means without introducing a structure of this scale and prominence. Consequently, these benefits do not outweigh the harm identified to the character, appearance, and amenity of the area, including to the setting of the NDHA.
17. I have had regard to suggested conditions proposed by the appellant, as well as the standard conditions set out in Schedule 2 of the Regulations which relate specifically to Appeal B. However, these conditions would not overcome the harm I have identified.
18. Regarding Appeal A, I conclude that the development would cause significant harm to the character and appearance of the area, including to the setting of the NDHA. It would, therefore, be contrary to LP Policies CLP20 and CLP21, which collectively require, amongst other things, developments to respond positively to the character of the site and surroundings, respect the local distinctiveness of its context, and conserve or enhance the significance of non-designated heritage assets and their settings. It would also be contrary to the aims of the Framework,

which, at paragraph 135, requires developments to be sympathetic to local character and history, including the surrounding built environment.

19. Regarding Appeal B, I conclude that the advertisement would cause harm to the amenity of the area, contrary to the provisions of paragraph 141 of the Framework which states, amongst other things, that the quality and character of places can suffer when advertisements are poorly sited. Although not determinative, there would also be conflict with the amenity aims of LP Policies CLP20 and CLP21.

Other Matters

20. The appellant has referred to other appeal decisions² and to a planning application³ from a different Council where kiosks were found acceptable. However, I have not been provided with full details of those cases, and it has not been demonstrated that those were directly comparable with the appeal schemes before me. Accordingly, I have considered the appeal schemes based on their own merits and site-specific circumstances.

Conclusion

21. For the reasons set out above, the proposals under Appeal A and Appeal B would harm the character and appearance and the amenity of the area, including the setting of the NDHA. Having considered all matters raised, I conclude that Appeals A and B are dismissed.

Andreea Spataru

INSPECTOR

² Appeal refs: APP/R5510/Z/16/3157043; APP/K5600/W/17/3190377.

³ LPA refs: 22/0734/FUL.

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/A1015/W/25/3373929	NWP Street Ltd
Appeal B	APP/A1015/H/25/3373930	NWP Street Ltd