



Appeal Decisions

Site visit made on 11 February 2026

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Appeal A Ref: APP/A1015/W/25/3373932

Land Outside 49-53 Chatsworth Rd, Chesterfield S40 2AL

- 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 reference is CHE/25/00421/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/A1015/H/25/3373934

Land Outside 49-53 Chatsworth Rd, Chesterfield S40 2AL

- 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 reference is CHE/25/00422/ADV.
 - The advertisement proposed is a communication kiosk with integrated defibrillator and advertisement display.
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Decision

1. Both appeals are dismissed.

Preliminary Matter

2. As set out below, the appeals have different main issues. This stems from the stipulation in the Advertisement Regulations that applications be considered solely in terms of the effects on amenity and highway safety. In practice, the issues in both appeals are related to the visual impact of the proposals, and thus my reasoning below relates to both appeals, unless otherwise specified.

Main Issues

3. The main issue in Appeal A is the effect of the proposal on the character and appearance of the area.
4. The main issue in Appeal B is the effect on the visual amenity of the area.

Reasons

5. The proposed kiosk unit is a steel framed, rectangular structure. It would stand 2450mm high, up to 1115mm wide and 884mm deep. The design has echoes of a traditional phone call box with a characteristic roof form and glazed panel to one side, albeit it would be a more open structure overall with the defibrillator equipment, telephone and digital interface located on a central panel to the 'inner'

side of the unit beneath the roof canopy, with the other side containing a digital advertisement display of 1635mm x 925mm. The submitted images indicate the kiosk would be dark grey in colour.

6. The appeal site is located within the Chatsworth Road District Centre which contains a variety of commercial premises along a busy thoroughfare leading out of the town centre of Chesterfield. The northern side of the street comprises traditional terraced properties of two storeys which extend for a distance in both directions and lend a consistency to the streetscene. This contrasts with a more varied pattern to the southern side, including a modern row of single storey commercial units to the centre of the gyratory road layout, a shorter terrace with a mix of older building and later, industrial scale units behind, and a modern, freestanding retail unit. More terraced buildings stand further south on the other side of the gyratory.
7. The area is urban in character; but the scale and linear pattern of development is consistent with a lower order, district centre as opposed to an inner urban town or city centre. This is also reflected in the subtle design of fascia signage on buildings and an absence of large and illuminated advertisements within the public realm. The proposed location of the kiosk is a short, broader section of the footway close to the junction with Chester Street which has two cycle stand railings and a street light but otherwise does not have visible street furniture and contributes to the generally open, uncluttered layout of the street.
8. In this context, the proposed kiosk would form a conspicuous and aberrant addition. It would stand to the outer edge of the footway where it would appear highly prominent and interruptive of the open, uncluttered streetscape. Its imposing size and highly visible advertising would detract from the overall quality of the public realm where street furniture has been kept to a minimum both in form and number and advertisements are restrained. The kiosk would also stand awkwardly in front of the commercial premises at Nos 49-53, distracting from views of the shopfront. In addition, the proposed advertisement, due to its digital means of illumination and changing pattern of images, would be particularly strident in an environment absent similar installations.
9. Consequently, in Appeal A, I conclude that the proposed kiosk unit would undermine the quality of the streetscape and so would harm the character and appearance of the area, in conflict with Policy CLP20 of the Chesterfield Borough Local Plan (July 2020) (the CBLP) which, among other things, requires development to identify and respond positively to the character of the site by virtue of its function, appearance, scale, massing, height and materials.
10. For the reasons set out, the advertisement under Appeal B would harm the visual amenity of the area. Again, so far as relevant, there would be conflict with aforementioned aims of Policy CLP20 of the CBLP and with the aims of the National Planning Policy Framework (the Framework) to achieve high quality design in all development, including advertisements.

Other Matters

11. The appellant advances the benefits to the public of having an additional defibrillator available for use in emergencies. I am not advised of any requirement for defibrillators to be installed either in specific locations or at a specific density across an area. It would nonetheless be a positive step for the health of the

community to add another defibrillator in a visible, public location such as that proposed. However, there is no evidence that this is the only such location where a defibrillator could be installed, and therefore this is a benefit of limited weight.

12. Beyond this, other benefits advanced include provision of a free phone, a wayfinder screen and public information display, public wifi, and the advertisement being capable of showing community messages alongside commercial advertisements. A help button for contacting support services is also proposed. I am mindful of the Framework's support for the development of high quality communications infrastructure for economic growth and social well-being and I accept that the proposed functionality of the kiosk would provide benefit to some members of the public. However, given the ubiquitous availability of mobile phones, and 5G signal in the area, the wider benefit of a public phone box would be limited.
13. The display of community messages would be a benefit, but I have no evidence that the appeal site is the only feasible location where such a display could be installed, nor have I any details as to the intended frequency of such messaging relative to commercial displays. Indeed, there is an existing community notice board to the back edge of the footway close to the site which offers some service in this respect. As such, I afford limited weight to the benefit of displaying community messages on the proposed kiosk.
14. The appellant has suggested the planting of street trees as a potential benefit of the proposal. As pointed out by the Council, this would likely involve works on highway land, requiring legal agreements with the local highway authority and financial contributions. No details have been advanced as to how this would be achieved. In any event, the planting of trees in other locations would not be directly relevant to the development and would be unlikely to meet the tests for either planning conditions or obligations. As such, this is not a consideration attracting favourable weight.
15. The Council did not raise objection in terms of the effect of the unit or the advertisement on public safety. I have seen no evidence to reach a different view; however, an absence of harm in this respect is a matter of neutral weight.

Conclusion

16. Overall, in respect of Appeal A, the benefits of the proposed kiosk, taken together, would not outweigh the significant harm to the character and appearance of the area and resulting conflict with the development plan.
17. In respect of Appeal B, the limited benefit of displaying community messages would not outweigh the harm to visual amenity caused by the proposed illuminated advertisement.
18. Therefore, for the reasons given, both appeals should be dismissed.

K. Savage

INSPECTOR