



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: 23rd February 2026

Appeal A Ref: APP/A1015/W/25/3373941

Land Outside Coniston House, Derby Road, Chesterfield S40 2GD

- 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/25/00414/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/25/3373942

Land Outside Coniston House, Derby Road, Chesterfield S40 2GD

- 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/25/00415/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 area is part of a busy urban context, located on a main thoroughfare to the south of the town centre, with commercial uses prevalent along the roadside, particularly in the immediate area of the roundabout to the north and along the opposite side of the road to the appeal site. These developments are set back behind open surface car parking, including the cinema directly across from the proposed location of the kiosk. To the north of the site is a large car dealership with forecourt vehicle displays along the roadside boundary. Residential uses are present on the adjacent side of the road in the form of three storey apartment blocks which reflect the larger scale of development along a busy road corridor.
7. Even within this urban environment, the public realm around the appeal site features minimal street furniture, limited to street lighting and functional traffic signage. Commercial signage is mainly in the form of fascia signs on buildings, with a small number of totem signs on private land closer to the roundabout and flag advertisements to the car dealership forecourt. There is a notable absence of freestanding digital advertising or larger billboards in the public realm. As a result the road corridor maintains a relatively open, tidy appearance with wide, clear footways.
8. There is a single freestanding digital display just to the south of the proposed location of the kiosk. However, this displays traffic information and is seen in context with other road signage as one approaches the roundabout from the south. It is also slender in form, standing on a single pole with the sign at height above, which maintains the clean appearance of the footway.
9. The proposed kiosk would stand a short distance beyond the aforementioned traffic sign, to the outer edge of the footway. In this position, and absent any other street furniture of compatible size or form, the kiosk would form a conspicuous and discordant feature due to its size and bulk and exposed position in the footway, not aligned to any other street furniture or otherwise located to relate to an existing feature or building line. As such, it would appear as an alien and incongruous addition, with its adverse visual impact exacerbated by being visible for some distance in either direction along an open stretch of the footway.
10. The proposed advertisement would face south and would create a disjointed clustering of signage with the traffic display that would undermine the open character of the footway and surrounding public realm. The digital display of the proposed advertisement would also be uncharacteristic of the established signage in the area and would form an intrusive, strident addition that would detract from the quality of the public realm.
11. 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.
12. For the reasons set out, the advertisement under Appeal B would harm the visual amenity of the area. So far as relevant, there would be conflict with

mentioned 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

13. The Council did not refuse the application now forming Appeal A for other reasons, but I note the concerns raised by the local highway authority that the kiosk would be positioned within the visibility splay for drivers exiting the access road serving the St John's Ambulance building, with a suggestion that the kiosk be moved two metres to the south. I have no amended plans to this effect. The interference with visibility splays for drivers entering a busy dual carriageway is a matter of further concern with the proposal, but in light of my findings above, it would not be a matter upon which the appeal would turn, and therefore I have not addressed it further. In respect of Appeal B, the Council did not raise objection in terms of the effect of the advertisement on public safety. I have no evidence to reach a different view; however, an absence of harm means this is a matter of neutral weight.
14. 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.
15. 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.
16. 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. As such, I afford limited weight to the benefit of displaying community messages on the proposed kiosk.
17. 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.

Conclusion

18. 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.
19. 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.
20. Therefore, for the reasons given, both appeals should be dismissed.

K Savage

INSPECTOR