



Appeal Decisions

Site visit made on 25 February 2026

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2026

Appeal A: APP/A1015/W/25/3373935

Land Outside 17 Burlington Street, Chesterfield S40 1RR

- 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 Ltd against the decision of Chesterfield Borough Council.
 - The application reference is CHE/25/00423/FUL.
 - The development proposed is described as 'installation of 1 no. new communications kiosk with integrated defibrillator and advertising display'.
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Appeal B: APP/A1015/H/25/3373938

Land Outside 17 Burlington Street, Chesterfield S40 1RR

- The appeal is made under Regulation 17 of the Town and Country Planning Act (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 Ltd against the decision of Chesterfield Borough Council.
 - The application reference is CHE/25/00424/ADV
 - The advertisement proposed is described as 'installation of 1 no. new communications kiosk with integrated defibrillator and advertising display'.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal is in a conservation area I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act). In addition, with respect to appeal A, as the proposal is in the vicinity of a listed building, I have had special regard to section 66(1) of the Act.
4. With regard to appeal B, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. I have taken relevant development plan policies into account only so far as they are material to the consideration of the relevant interests.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting as it relates to the special interest of the nearby Grade I listed building, known as “Church of St Mary and All Saints, St Mary’s Gate” (Ref: 1334708) (the LB), and the extent to which it would preserve or enhance the character or appearance of the Chesterfield Conservation Area (the CA). With respect to appeal B, this main issue relates to the effect of the advertisement on amenity.

Reasons

6. The LB comprises a large medieval church with elements dating from the 13th and 14th centuries, as well as some rebuilding and restoration in the 18th and 19th centuries. It comprises an ashlar nave, north and south transepts and chancel flanked by four chapels. Its prominent tower is clad in lead tiles in a herringbone pattern and has a distinctive lean and twisted appearance. Historically this building would have been the epicentre of medieval society aided by its position on high ground and its visual prominence. The current context in which it is experienced remains as a distinctive and highly prominent feature throughout the urban townscape.
7. Given the above, I find that the setting of the building, insofar as it relates to these appeals and its special interest, to be primarily associated with its visual prominence as a distinctive, ecclesiastical landmark.
8. The CA encompasses the built form of the historic market town. It retains much of its medieval layout with a regular pattern of streets and narrow interconnecting alleyways, as well as its historic market square. It incorporates a mix of commercial, religious, civic and residential buildings. Insofar as it is relevant to this appeal, the significance of the CA is primarily derived from its historic role as a market town, the historic layout of its streets and views from these of the LB, and its range of notable buildings that illustrate the development of the form and function of the town over time.
9. In the vicinity of the appeal site, Burlington Street contains a mix of retail units and is pedestrianised. The street is aligned such that along it there are clear views of the LB and its spire. There are low level painted black bollards marking the edge of the slightly raised pavements to either side of the street. However, there is otherwise an absence of fixed street furniture within the central thoroughfare of the street. This creates a sense of spaciousness and allows the eye to be drawn towards the church spire.
10. The proposal would comprise a multi-communication hub with a modern design. It would provide a public telephone as well as touchscreen information to assist with wayfinding. A digital advertisement screen would be provided on its reverse. It would be located centrally within a relatively wide section of the street, with space to move around either side of it.
11. However, the kiosk would be circa 2.46m high and circa 1.12m wide. It would thus be a bulky addition in the street scene. Combined with its central location in the street, the kiosk would be a substantial feature, distracting from views of the LB

when walking towards it. In addition, there are clear views into Burlington Street from Rykneld Square which is just outside the churchyard.

12. The appellant submits that conditions could be imposed, including to control luminance levels, hours of operation of the digital advertisement and to prevent moving images or animation. However, these would not be sufficient to mitigate the harm arising from the scale of the advertisement and the kiosk as a whole, and its overly dominant presence in the street scene. Similarly, a management plan for maintenance of the communication kiosk would not address the harm that would arise from its presence in this location.
13. I therefore conclude that the proposal would harm the setting as it relates to the special interest of the LB. Given the importance of views of the LB to the significance of the CA, the proposal would also harm the character of the CA. I give these harms great weight in the planning balance of these appeals. For the reasons given, the proposed advertisement would also harm the visual amenity of the area.
14. Paragraph 212 of the National Planning Policy Framework 2024 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification.
15. Given the modest scope of the works, I find the harm to be at the lower end of less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
16. The Framework advises that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. The Framework also seeks to support the expansion of electronic communications networks. The kiosk would provide a public telephone service enabling calls for emergency services, charities and general use, as well as access to online mapping and wayfinding facilities. As a single communications kiosk and given the general prevalence of mobile phones, I afford this public benefit limited weight.
17. The integral defibrillator would also provide life-saving equipment. Given the importance of access to such equipment this public benefit attracts moderate weight. The proposed advertisement could be used by the Council for public service announcements. This is likely to be on a relatively infrequent basis and attracts limited weight. It would provide the potential for businesses to advertise and is said to contribute to business rates. The economic benefits arising from this single kiosk are likely to be relatively modest and so this attracts limited weight. The appellant refers to a commitment to planting a tree in place of the kiosk when it is removed. However, the public benefit of provision of a single tree at an undetermined point in the future attracts very little weight.
18. Consequently, I do not find that the combination of these public benefits is sufficient to outweigh the harm that I have identified in this instance. Accordingly I

conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade I listed building and that the character or appearance of the CA would be neither conserved nor enhanced.

19. For these reasons the proposed development would fail to satisfy the requirements of the Act and paragraph 210(a) of the Framework and would be in conflict with policies CLP20 and CLP21 of the Chesterfield Borough Local Plan (July 2020). Amongst other matters these seek to ensure proposals achieve good design, having regard to the character of their surroundings, amenity and the historic environment.

Conclusion

20. Given the above and considering all other matters raised, the appeals should be dismissed.

Rachel Hall

INSPECTOR