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## Appeal Decisions

Site visit made on 11 March 2026

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> March 2026

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### **Appeal A Ref: APP/E2001/W/25/3377341**

#### **Land outside 37 King Street, Bridlington YO15 2DN**

- 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 East Riding of Yorkshire Council.
  - The application Ref is 25/02549/PLF.
  - The development proposed is the installation of 1 No. communications kiosk with integrated defibrillator and advertising display.
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### **Appeal B Ref: APP/E2001/H/25/3376851**

#### **Land outside 37 King Street, Bridlington YO15 2DN**

- 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 Ltd against the decision of East Riding of Yorkshire Council.
  - The application Ref is 25/02550/PAD.
  - The advertisement proposed is the installation of 1 No. communications kiosk with integrated defibrillator and advertising display.
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### **Decision**

1. Appeal A is dismissed and Appeal B is dismissed.

### **Preliminary Matters**

2. The application form address refers to '*Land outside 36 King Street.*' The decision notices cite '*Land south of 37 King Street,*' and the appeal forms cite '*Land outside 37 King Street.*' I find the appeal form description to be suitably accurate such that I have used this for the address as above.
3. Appeal A concerns the refusal of planning permission to erect a communications kiosk with integrated defibrillator. Appeal B concerns the refusal of express consent to display advertisements on the communications kiosk. The original application form cites the same description of development for both permissions sought, but under Appeal B I have only assessed the proposed advertisement panel. The Council slightly amended the decision notice descriptions to reflect the separate elements, but I find this unnecessary.
4. I have dealt with each appeal on its own merits, but as they are fundamentally linked and raise similar issues, I have considered them together in my reasoning where possible. In respect of Appeal B, powers under the Advertisement Regulations shall be exercised only in the interests of amenity and public safety. I have taken into account the provisions of the development plan for Appeal B only so far as they are relevant to these matters.

## Main Issues

5. The main issues are the effect of the proposed development on:
- the character and appearance/visual amenity of the area, with particular regard to the preservation or enhancement of the character or appearance of the Bridlington Quay Conservation Area; and
  - public safety with particular regard to highway safety.

## Reasons

### *Character and Appearance / Visual Amenity*

6. The proposal is for a communications kiosk to incorporate several public communications functions and a defibrillator, plus an advertisement display in its rear façade. It would be located within the open pavement on King Street, one of the main high streets and retail areas in Bridlington.
7. King Street lies within the Bridlington Quay Conservation Area (CA), and so for Appeal A I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. This statutory duty also applies to Appeal B insofar as it relates to the consideration of amenity. The National Planning Policy Framework ('the Framework') (2024) Paragraph 212 requires great weight to be given to the conservation of such designated heritage assets. The East Riding Local Plan Update 2020-2039 (ERLP) Policy ENV3 broadly reiterates the Framework, including that developments should positively and proactively conserve or enhance the East Riding's historic environment and heritage assets.
8. The Bridlington Quay CA encompasses the historic areas of both the town and harbour. Its significance as it relates to this appeal derives from its predominately traditional character and the breadth and quality of historic building stock from the late C18 and early C19, with the rebuilding of the harbour between 1820 and 1850. The CA generally incorporates a hard streetscape, with the streets having a sense of enclosure, and providing a direct physical and visual connection and backdrop to the contrast of the openness of the quayside.
9. King Street is lined on both sides by commercial and retail units and a library, with some residential flats above. Despite some inappropriate signage and shop fronts, the streetscene is generally characterised by buildings of a varied, yet attractive and traditional construction. It is pedestrianised and hosts a long established twice weekly market, plus additional markets and festivals. This has historical significance, as having been granted a royal charter in 1200. King Street makes a significant contribution to the character of the CA.
10. The kiosk would be 1.1m x 0.9m and 2.46m high, in a steel frame with powder coated black steel cladding. The advertisement would be an LCD panel 1.63m high x 0.92m wide. The overall design takes inspiration from the traditional and iconic form of the British kiosk. However, although the submission states its materials would be sympathetic to the local palette, it appears to be a standard specification which would not specifically relate to the CA's significance or its local materials. I acknowledge the appeal examples cited, where Inspectors considered that the same kiosk design was complementary to its surroundings, but my determination must be based on the particular streetscene context before me.

11. King Street includes only limited permanent street furniture, comprising 'heritage style' lampposts, bollards, bins, and benches. The kiosk would thus introduce comparatively significantly massing, in a modern design and materials, which would dominate that other furniture. Although it would be less obvious when the market is operational, those stalls are only temporary. For the majority period without market stalls present, it would draw undue attention as an incongruous feature in the wide and mainly open street environment.
12. The advertisement's illumination and changing images would further heighten this overall intrusion, detracting from the traditional character and appearance particularly during hours of low natural light or darkness. This impact would be insufficiently mitigated by the proposed conditions to restrict illumination levels, and to display only static images with controls over their transitions. The ground floor commercial frontages do incorporate a varied range of illumination and fascia signage, but these respect the positioning and openness of the street's historic form. The scale and location of the kiosk would introduce additional and unacceptable clutter.
13. Overall therefore, the proposal would harm the visual amenity of the area, and in this context would not preserve or enhance the character and appearance of the CA. It would lead to less than substantial harm to the significance of a designated heritage asset, at a moderate level of harm within that spectrum. I give great weight to this harm as required by the Framework Paragraph 212. The Framework Paragraph 215 and the ERLP Policy ENV3 identify that less than substantial harm should be weighed against the public benefits of the proposal. I address these benefits in my Planning Balance, and therefore reserve conclusion on this matter until that point.
14. However, there would also be harm to the character and appearance of the area. For Appeal A, and insofar as relevant for Appeal B, the kiosk would thus conflict with the ERLP Policy ENV1. This supports development proposals which achieve a high quality of design, and contribute to a sense of place. Proposals should respect the character and appearance of the area by having regard to the specific characteristics of the site's wider context, including through being an appropriate scale, massing, height, and materials. The decision notice also refers to Policy ENV6, but this appears to be in error as it relates to managing hazards such as pollution and flood risk, on which the Officer Report concludes no conflict.

### *Public Safety*

15. King Street experiences intense pedestrian flows, particularly during markets. Completion of the nearby multi-storey car park is likely to further increase footfall. Pedestrians are prioritised, plus a single access one way traffic route used for loading in connection with the market and the commercial units.
16. The Site Plan does not show the central row of street lights or any other street furniture, and there is no detailed access plan or swept path analysis. On this basis, there is no evidence before me to contradict the Highway Authority opinion that introducing new built form at the kiosk location would likely block access for vehicle loading movements and for emergency service vehicles during the markets. Several market stalls were in place during my site visit, such that I could also perceive this potential conflict for myself.

17. Moreover, the kiosk would narrow the space available for pedestrians, which would especially impact on capacity during market events. The appellant's evidence gives no particular consideration to the physical impact on visually impaired or mobility impaired pedestrians, including for those attending the library.
18. Overall therefore, the proposal would harm public and highway safety, and conflict with the ERLP Policy ENV1. This requires development to ensure no unacceptable impact on existing uses in the surrounding area, and to promote equality of safe movement for all, including access and minimising highway safety risks. It would also conflict with the Framework paragraph 116 whereby development should be prevented or refused where there would be an unacceptable impact upon highway safety. Paragraph 117 further requires developments to give priority to pedestrian and cycle movements, and create places that are safe, and which minimise the scope for conflict between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

### **Other Matters**

19. The appellant advises of the general need to update the telephone kiosk estate across the UK, to mitigate against historic problems including lack of access for wheelchair users, and anti-social behaviour. As such, the new design would ensure universal accessibility. They also suggest several benefits from the upgraded electronic communications infrastructure. Alongside modern telephony features, this includes emergency and charity access for individuals without mobile phones or in areas of poor coverage, a publicly accessible defibrillator, interactive wayfinding, and display of emergency and free or low cost Council and community messaging.
20. With relation to Appeal A, I take these benefits into account. Paragraph 119 of the Framework identifies advanced, high quality, and reliable communications infrastructure as being essential for economic growth and social well-being, whereby decisions should support the expansion of electronic communications networks, including 5G mobile technology. However, some or all of these benefits could be provided by a kiosk in a slightly different location, or a wall-mounted defibrillator. Indeed, no specific local need or poor mobile signal has been identified, and other wayfinding signage is available in Bridlington. The consolidation of multiple functions within one kiosk would reduce street clutter in general, but in this instance no other street clutter would be removed. Overall, I give moderate weight to the proposal's public benefits for Appeal A.
21. The appellant also references the off-site benefit of tree planting via a national scheme. However, no mechanism has been suggested to me to ensure such planting, and it would not be directly necessary to mitigate the type of harm which would be caused, such that it would not meet the required tests for conditions. While a commendable scheme for the appellant to undertake, my determination therefore does not take this into account as a benefit.
22. With relation to Appeal B, the Regulations state that advertisements should be subject to control only in the interests of amenity and public safety. Alongside the Framework and the Planning Practice Guidance, there is no indication that any of these suggested benefits can be taken into account.

## **Planning Balance and Conclusion**

23. I find that the public benefits identified above would not outweigh the great weight I give to the less than substantial harm to the CA as a designated heritage asset. The proposal would therefore conflict with the ERLP Policy ENV3, and the Framework section 16 on conserving and enhancing the historic environment. I have also identified that there would be harm to the character and appearance/visual amenity of the area, and to public and highway safety, both resulting in conflict with the ERLP Policy ENV1.
24. Overall, therefore, the proposal under Appeal A would conflict with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that Appeal A is dismissed.
25. The display of the advertisement under Appeal B would be detrimental to the interests of visual amenity and public safety. With no other material considerations indicating otherwise, for the reasons given above, I conclude that Appeal B is dismissed.

*L N Hughes*

INSPECTOR