



Appeal Decisions

Site visit made on 25 February 2026

by **R Hall BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th March 2026

Appeal A: APP/A1015/W/25/3373939

Land Outside 8-9 Lordsmill Street, Chesterfield S41 7RW

- 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/25/00425/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/25/3373940

Land Outside 8-9 Lordsmill St, Chesterfield, S41 7RW

- 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/25/00408/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

1. 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. 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

2. 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). In respect of appeal B, this main issue relates to the effect of the advertisement on amenity.

Reasons

3. 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.
4. 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.
5. 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 outside a mix of commercial and retail units within a relatively wide pavement. The buildings on this side of the road do not appear historic and thus the immediate locality has a functional, commercial appearance. Nonetheless, aside from a post box positioned immediately adjacent to the buildings and a slender lamppost, there is an absence of fixed street furniture between the appeal site and the junction with Beetwell Street. As such, there are clear views up the pavement towards the LB.
6. Consequently, the proposed kiosk, with a height of circa 2.46m and a width of circa 1.12m, would appear conspicuous and overly prominent in the street scene. When travelling up Lordsmill Street towards the LB, it would consequently distract from the currently open views of the LB.
7. 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.
8. I therefore conclude that the proposal would harm the setting as it relates to the special interest of the LB. I give this harm great weight in the planning balance of these appeals. In the particular circumstances of this case, harm to the setting of the LB also amounts to harm to the amenity of the area.
9. 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.

10. 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 the LB, 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.
11. 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. The integral defibrillator would also provide life-saving equipment. Given the importance of access to such equipment this public benefit attracts moderate weight.
12. 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.
13. 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.
14. 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.

Other Matter

15. Although not referenced in the Council's decision notice, its appeal statement makes passing reference to a grade II* listed building known as 42, St Mary's Gate. This is located on St Mary's Gate, opposite the junction with Vicar Lane. From there, the building's classical proportions, characteristic of Georgian architecture, are readily appreciable and make a positive contribution to the street scene. Given the proposal's distance from that listed building and the lack of inter visibility and historic resonance between the two, I find that the proposal would not harm the setting as it relates to the special interest of that asset.

Conclusion

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

R Hall

INSPECTOR