



Appeal Decisions

Site visit made on 14 November 2025

by **N Duff BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th December 2025

Appeal A Ref: APP/R4408/W/25/3371275

Land Outside 23 Queen Street, Barnsley S70 1RJ

- 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 Barnsley Metropolitan Borough Council.
 - The application Ref is 2025/0218.
 - 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/R4408/H/25/3371277

Land Outside 23 Queen Street, Barnsley, S70 1RJ

- 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 Barnsley Metropolitan Borough Council.
 - The application Ref is 2025/0293.
 - The advertisement proposed is installation of 1 no. new communications Kiosk with integrated defibrillator and advertising display
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Decision: Appeal A

1. The appeal is allowed and planning permission is granted for installation of 1 no. new communications Kiosk with integrated defibrillator and advertising display at Land Outside 23 Queen Street, Barnsley S70 1RJ in accordance with the terms of the application, Ref 2025/0218, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos:
CK0096/01 Location Plan
CK0096/02 Site Plan
NWP-KIOSK/001 Elevations
 - 3) The communications kiosk hereby permitted shall receive bi-weekly inspections, cleaning and maintenance to ensure the kiosk remains in good working order. This shall include inspections of the defibrillator, ensuring that it remains in situ and in good working order. The defibrillator or any consumables shall be replaced when required.

Decision: Appeal B

2. The appeal is allowed and express consent is granted for the installation of 1 no. new communications Kiosk with integrated defibrillator and advertising display at Land Outside 23 Queen Street, Barnsley S70 1RJ in accordance with the terms of the application, Ref 2025/0293. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:
 - 1) The advertisement display hereby permitted shall not exceed the proposed maximum illuminance levels of 300 cd/m².
 - 2) There shall be no moving images, animation, video or full motion images displayed on the digital display screen.
 - 3) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages/advertisements displayed.
 - 4) The interval between successive advertisements shall be greater than 1 second and the complete display shall change without effect. The display shall include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

Preliminary Matters

3. Appeal A relates to the refusal of planning permission for the proposed communications kiosk. Appeal B relates to the refusal of the advertisement consent for the advertising display within the communications kiosk. I have dealt with the appeals on their individual merits, however as the screen is sited on the kiosk, I consider that it is appropriate to deal with main issues of the appeals together.
4. Having regard to Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require consideration of both amenity and public safety. I have taken into account the development plan policies and supplementary planning documents referred to by the Council in its reason for refusal however these are not determinative.
5. Regarding Appeal B, the Council raises no objection relating to public safety, and based on what I have seen and read I agree that the advertisement is acceptable in this respect.

Main Issue

6. The main issue in respect of appeal A is the effect of the proposed development on the character and appearance of the area.
7. The main issue in respect of appeal B is the effect of the proposed development on the amenity of the area with particular regard to character and appearance.

Reasons

8. The appeal site is located on Queen Street which is a main commercial street within Barnsley centre. The area is a level shared space and is pedestrianised and spacious. At the time of my site visit an outdoor market was operating.

9. The appeal site has some street furniture nearby such as lampposts, some benches and a refuse bin, along with several occasional and substantial dark stone seating areas. Some distance along Queen Street towards the south-east a telephone box was located on a raised area of pavement.
10. The proposed telephone kiosk with defibrillator and advertisement would be located within the pavement area, it would be predominantly black in colour with a large digital advertisement on the rear, facing southeast.
11. Due to the location of the proposed kiosk within a very commercial area with other street furniture, I am satisfied that the kiosk would not appear incongruous, or stark. Having regard to the colour palette, a concern from the Council relates to the colour of the proposed kiosk in relation to the warmer tones within Queen Street. Whilst some brickwork and paving do have warmer tones. Many of the street furniture items including the seating are dark grey tones, together with the existing telephone box further along Queen Street. Therefore, I consider that the kiosk would be in keeping with those items and would not jar with the surrounding development.
12. Having particular regard to the advertisement, I observed buildings with illuminated signage along Queen Street, therefore I do not consider that the proposed advertisement by way of illumination (changing every 10 seconds) or size would be stark within this urban context. Therefore, I am satisfied that the advertisement would not cause harm or contribute to cumulative harm to the amenity of the area.
13. Whilst there are other kiosks and advertisements in the area and defibrillators, based on my observations in the context of the appeal site such objects were not abundant, save for the telephone box located further along Queen Street. Therefore, whilst the proposed kiosk is sizeable, given the wide, spacious and level character of the street, I do not consider that it would clutter the street scene to a degree that it would cause cumulative harm to the character of the area.
14. For the above reasons, I am satisfied that the proposal would not have a harmful effect on amenity of the area with particular regard to character and appearance. The Officer Reports include an extensive list of pertinent development plan policies. However, I have only been provided with details of those which the Council considers to be directly relevant, notably Policies BTC3 and D1 of the Barnsley Local Plan (2019). I conclude that the proposal would not conflict with these policies, which in combination, seek to ensure that development must make a positive contribution to public spaces through design, siting and use of materials and display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangements of materials, colours and details.
15. In addition, for the above reasons I am satisfied that the proposed development would not conflict with the principles of the Barnsley Town Centre Public Spaces Strategy.

Other Matters

Appeal A and Appeal B

16. An objection to the applications was raised by the Council's safer communities adviser, relating to potential anti-social behaviour, crime and disorder and whether

additional defibrillators are needed in the town. These matters were acknowledged by the Council in the appeal documents; however, they were not considered to be a matter of dispute by the Council. Based on the evidence before me, I am satisfied that there are safeguards available through the design of the kiosk together with other legislation in relation to anti-social behaviour and crime and disorder to ensure public safety and I have included the Council's suggested condition to ensure that the defibrillator is maintained.

Conditions

17. The Council and appellant have suggested conditions that both parties have had the opportunity to comment upon and which I have considered against advice in the National Planning Policy Framework (the Framework) and Planning Practice Guidance. As a result, I have made some amendments for consistency and clarity purposes.
18. A condition has been suggested by the Council in relation to Appeal A which controls construction and demolition hours. I do not consider this condition to be necessary due to the small scale of the development and the commercial location in which it is located. Therefore, it would not meet tests set out in the Framework.
19. With regard to Appeal A in addition to the standard time limit condition (1), in my judgement a condition is necessary to ensure that the development is carried out in accordance with the approved plans (2). I have included a condition suggested by the Council relating to inspection of the kiosk and defibrillator and that they remain in good working order and condition (3), I am satisfied that this is necessary in the interests of the character and appearance of the area and to ensure the functionality of medical equipment.
20. Regarding Appeal B in addition to the standard conditions as set out in the Regulations several conditions have been suggested by the appellant in relation to the advertisement in addition to the conditions suggested by the Council. I have included the condition from the Council relating to the luminance level of the advertisement (1). Therefore, I have not included the conditions suggested by the appellant in relation to luminance during hours of darkness and daylight as the Council's condition adequately restricts this.
21. In addition, regarding Appeal B I have included conditions suggested by the appellant in relation to a restriction on moving images (2), the duration of time an advertisement displays for (3) and interval between advertisements (4). I am satisfied that these conditions are necessary to ensure that the advertisement is acceptable with regards to visual amenity.

Conclusion

22. For the reasons given above and taking all matters raised into account Appeal A and Appeal B are allowed.

N Duff
INSPECTOR