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## Appeal Decisions

Site visit made on 17 April 2026

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2026

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### Appeal A Ref: 6004309

#### Pavement O/S 17-17A King Street, Huddersfield HD1 2PZ

- 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 Ben Porte of New World Payphones against the decision of Kirklees Council.
  - The application Ref is 2025/62/93132/W.
  - The development proposed is installation of 1no. black digital communications kiosk, defibrillator and ancillary advertisement.
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### Appeal B Ref: 6004313

#### Pavement O/S 17-17A King Street, Huddersfield HD1 2PZ

- 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 Ben Porte of New World Payphones against the decision of Kirklees Council.
  - The application Ref is 2025/64/93133/W.
  - The advertisement proposed is digital advertising display integrated within digital communications kiosk.
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## Decision

1. Appeal A is allowed and planning permission is granted for the installation of 1no. black digital communications kiosk, defibrillator and ancillary advertisement at Pavement O/S 17-17A King Street, Huddersfield HD1 2PZ in accordance with the terms of the application, Ref 2025/62/93132/W, 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 4906-001-002A; 4906-001-002B; and NWP-KIOSK/002B.
2. Appeal B is allowed and express consent is granted for digital advertising display integrated within digital communications kiosk at Pavement O/S 17-17A King Street, Huddersfield HD1 2PZ in accordance with the terms of the application, Ref 2025/64/93133/W, dated 11 November 2025. 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 Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Advertisement Control Regulations).

## Preliminary Matters

3. There are two appeals on the same site; one against the refusal of planning permission and the other against the refusal to grant advertisement consent. The

proposals are intrinsically linked and raise similar issues. To avoid duplication, I have dealt with the two appeals together, except where otherwise indicated.

4. With regard to Appeal B, the Advertisement Control Regulations and the National Planning Policy Framework (the Framework) require that decisions are made only in the interest of amenity and public safety, taking into account the provisions of the development plan, as far as they are material. As such, whilst I have considered the development plan policies which the Council consider to be relevant to amenity and public safety, they are not determinative.

### **Background and Main Issues**

5. With regard to Appeal A, the Council has indicated within the 'Public Benefits' section of the Officer Report, that the proposed development would harm the setting of the adjacent listed buildings. The effect of the proposed development on the setting of listed buildings did not explicitly form part of the reason for refusal. However, I have a statutory duty to have special regard to the desirability of preserving the listed buildings' setting, or any features of special architectural or historic interest which they possess. I will therefore consider this as a main issue of the appeal.
6. The main issues of Appeal A are whether the proposed development:
  - preserves or enhances the character or appearance of Huddersfield Town Centre Conservation Area (the HTCCA); and
  - preserves the setting of the Grade II listed buildings, 13 King Street<sup>1</sup>; and 15, 15A and 17 King Street<sup>2</sup>.
7. The main issue of Appeal B is the effect of the proposed advertisement on visual amenity.

### **Reasons**

8. My reasoning is split in two, firstly it considers the effect of the proposals on the HTCCA and then the listed buildings. For clarity, the effect of the proposed advertisement on visual amenity is covered within both of these topics. I will make a conclusion on this matter at the end of my reasoning.

#### *Character and appearance*

9. The appeal site is positioned across the boundary of the HTCCA. As such, it is partially within, but also forms part of the setting of, the Conservation Area. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act), I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the HTCCA.
10. The Framework defines the significance of heritage assets as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic, or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
11. The significance of the HTCCA, in part, relates to it being one of the best examples of a 19<sup>th</sup> Century new town. Of particular importance is the surviving grid

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<sup>1</sup> List Entry No 1135001

<sup>2</sup> List Entry No 1313514

pattern of streets. Furthermore, some of the buildings within the HTCCA are of a high quality design and reflect 19<sup>th</sup> Century Huddersfield's status as a major industrial town. The appeal site is located in an area identified as the Civic and Commercial Character Area, within the Conservation Area Appraisal and Management Plan<sup>3</sup>. King Street is pedestrianised and accommodates several retail stores. As such, it is commercial in character and appears to form part of the primary shopping area of Huddersfield Town Centre. Taking the above into account, the appeal site makes a positive contribution to the character and appearance of the HTCCA and its setting.

12. With regard to Appeal A, within the Officer Report the Council has identified a bank of derelict phone boxes approximately 40m west of the appeal site. During my site visit, I did not observe these phone boxes. I acknowledge that the phone boxes may have been removed since the Council issued its Report. Notwithstanding this, I observed a bank of derelict phone boxes approximately 40m east of the appeal site. Therefore, I will assess the proposals on the basis that this was a typographical error within the Officer Report.
13. Regardless of the direction of the derelict phone boxes, there would be a significant distance between them and the proposed development and advertisement. Although there is already a significant amount of street furniture in the area, this is expected in a town centre location, particularly within a pedestrianised shopping area. The addition of a single kiosk would not make the street appear cluttered.
14. The proposed kiosk would be taller than some of the nearby street furniture. However, there are other examples of tall street furniture in proximity to the site including street lighting, with flag advertisements attached, and signage posts. Furthermore, during my site visit I observed several other advertisements on King Street, including fascia and projecting signs, posters, and freestanding advertisements. There are also similar kiosks with illuminated advertisements on New Street, which is near to the appeal site. Accordingly, the proposed development and advertisement would be a congruent addition to the street scene and would assimilate with nearby development and advertisements.
15. During my site visit I did not observe illuminated advertisements on King Street. Nevertheless, several shops on King Street include large screens within their shopfronts which displayed large, illuminated advertisements. Whilst the proposed advertisement would be the first of its nature on the street, it would assimilate with the large, illuminated advertisements within the shopfronts.
16. Taking all of the above into account, the proposals would contribute to the commercial character of King Street and would be in keeping with the appearance of the primary shopping area.
17. With regard to Appeal A, I conclude that the proposed development would preserve the character and appearance of the HTCCA. The proposed development would comply with policies LP17, LP24 and LP35 of the Kirklees Local Plan, Kirklees Local Plan Strategy and Policies, February 2019 (KLP). These policies indicate proposals will be supported where they preserve the towns' cultural and architectural heritage, amongst other matters. It would also accord

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<sup>3</sup> Huddersfield Town Centre Conservation Area Appraisal and Management Plan, Purcell, Kirklees Council, Historic England, October 2024

with the Framework where it advises that planning decisions should ensure that developments are sympathetic to local history. Finally, both proposals would be in general accordance with the statutory duty set out under Section 72 of the 1990 Act.

### *Listed buildings*

18. Section 66 of the 1990 Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
19. For clarity, the statutory duty does not strictly apply to Appeal B as it is an application for advertisement consent rather than an application for planning permission. Nonetheless, the effect of the proposed advertisement on the setting of listed buildings is a material consideration in relation to my assessment on the effect of the proposed advertisement on visual amenity.

### *13 King Street*

20. The Grade II listed 13 King Street is located at the junction between King Street and Market Walk. It is one of many 19<sup>th</sup> Century buildings within Huddersfield Town Centre. Although the ground floor comprises of a modern shopfront, the building has retained many historic architectural features including the moulded cornice, sash windows, and stone finish on the upper floors. I therefore consider that the significance of 13 King Street to be primarily derived from its special architectural interest.
21. Based on the evidence before me, this area of Huddersfield has long been part of the commercial centre. Whilst both roads are pedestrianised and largely comprise of commercial properties, King Street is much wider than Market Walk. As such, there is a clear street hierarchy in this part of Huddersfield Town Centre, which reflects the 19<sup>th</sup> Century new town grid pattern. The surviving town plan and the commercial character of the area are integral to 13 King Street's setting.
22. The proposed development and advertisement would narrow the pavement on King Street by a very modest amount. The remaining pavement would still be over 10m wide and much wider than Market Walk. Therefore, the proposal would not harm the street hierarchy. Moreover, the proposal would be commercial in nature and would be largely viewed alongside the modern shopfront on the ground floor.

### *15, 15A and 17 King Street*

23. The Grade II listed 15, 15A and 17 King Street is an 18<sup>th</sup> Century building, which predates the planned new town. Its Ashlar Stone finish is reflective of the age of the building and the local historic architecture. The upper floors of the building include interesting historic features such as moulded cornice and a large relieving arch which is a defining feature of the building's design. Similar to 13 King Street, the ground floor of the building comprises of a modern shopfront. I therefore consider that the significance of 15, 15A and 17 King Street to be primarily derived from its special architectural interest.
24. The setting of 15, 15A and 17 King Street is similar to the setting of 13 King Street; except it is centred around King Street itself, rather than the junction with Market

Walk. The commercial character and width of King Street define it as one of the primary shopping areas within Huddersfield Town Centre.

25. Similar to above, the proposals would not harm King Street's status as a primary shopping area. Furthermore, the proposals would assimilate with the surrounding commercial development and advertisements and would be largely viewed alongside the modern shopfront on the ground floor.

#### *Listed buildings conclusion*

26. With regard to Appeal A, the proposed development would preserve the setting of the Grade II listed buildings, 13 King Street; and 15, 15A and 17 King Street. The proposed development would comply with KLP policies LP17, LP24 and LP35. These policies indicate that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects the character of the townscape and heritage assets. The proposed development would also accord with the statutory duty set out under Section 66 of the 1990 Act.
27. With regard to Appeal B, the proposed advertisement would not have a harmful effect on visual amenity. As above, the development plan and the Framework are not determinative but would be material considerations. Nonetheless, the proposed advertisement would comply with KLP policies LP24, LP25 and LP35. These policies indicate that the display of advertisements will only be permitted where they respect any features of historic interest, amongst other matters. The proposed advertisement would also be in accordance with the Framework where it advises that the quality and character of places can suffer when advertisements are poorly sited and designed.

#### **Conditions**

28. With regard to Appeal A, the Council indicated that no conditions beyond the standard conditions were required. I have considered these in light of the guidance within the Framework and Planning Practice Guidance. Conditions specifying a time limit to implement the permission, and approved plans are necessary in the interest of certainty.
29. With regard to Appeal B, no conditions were requested beyond those specified in the Advertisement Control Regulations. No additional conditions are necessary to ensure that the proposed advertisement would be acceptable.

#### **Conclusion**

30. For the reasons given above, Appeal A should be allowed and planning permission should be granted, and Appeal B should be allowed and express consent should be granted.

*J Hobbs*

INSPECTOR