

# APPEAL STATEMENT

Town and Country Planning Act 1990

Town and Country Planning (Control of  
Advertisements) (England) Regulations  
2007

Kirklees Application Refs. 2025/62/93134/W  
and 2025/64/93135/W

January 2026

## **Introduction**

1. This statement is submitted on behalf of New World Payphones (NWP) in support of two related appeals concerning land adjacent to 30 John William Street, Huddersfield (the appeal site).
2. The first appeal concerns the refusal of planning permission (LPA ref. 2025/62/93134/W), issued on 6 January 2026, for the installation of one black digital communications kiosk with defibrillator within a conservation area.
3. The second appeal, submitted concurrently, concerns the refusal of express advertisement consent (LPA ref. 2025/64/93135/W) for the single internally illuminated digital display panel integrated into the kiosk structure (the advertisement).
4. Whilst procedurally distinct, the planning and advertisement applications relate to a single integrated proposal: a modern, multifunctional digital communications kiosk incorporating a public telephone, interactive touchscreen, capacity for Wi-Fi and small-cell digital infrastructure, a publicly accessible defibrillator, and one static digital advertising display.
5. For clarity and efficiency, this composite statement addresses both appeals together, whilst recognising that each must be determined under its own statutory framework: section 38(6) of the Planning and Compulsory Purchase Act 2004 for the planning appeal, and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Advertisement Regulations) for the advertisement appeal.

## **Site and Proposal<sup>1</sup>**

6. The appeal site lies on the eastern side of John William Street, within Huddersfield town centre and the Huddersfield Town Centre Conservation Area.

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<sup>1</sup> Please refer to the original Planning, Design and Heritage and Specification Document for further details of the overall proposal

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7. John William Street is a principal commercial thoroughfare linking Huddersfield railway station and St George's Square with the wider retail and civic core, functioning as one of the town's main pedestrian and transport corridors.
  8. The Council's officer report records the site as being "around 14m from Huddersfield Train Station"; in fact, the separation is approximately 150m, which better reflects the street's role as a connecting route rather than being within the immediate station forecourt.
  9. The street is defined by robust Victorian stone buildings, typically three to four storeys in height, with strong vertical proportions, arched openings and decorative detailing; 22, 24, 26, 28, 30, 32 and 34 John William Street are Grade II listed.
  10. At ground level the character is more overtly commercial, with modern shopfronts, illuminated signage and active retail and service uses, together with street furniture including lighting columns, bus stops, waste bins and traffic signage.
  11. The carriageway is notably wide and carries bus and taxi movements, with generous pavements on either side and heavy pedestrian flows between the station and the retail core.
  12. The proposal is for a single freestanding digital communications kiosk of "telephone box" appearance with integrated defibrillator and ancillary advertisement.
  13. The kiosk is approximately 2.4m high, 1.1m wide and 0.8m deep, constructed in black powder-coated steel with toughened glazed side panels.
  14. One elevation accommodates the handset, a portrait-format interactive touchscreen providing wayfinding and civic information, and a locked cabinet containing an automated external defibrillator (AED).
  15. The opposite elevation incorporates a recessed LCD digital display panel measuring approximately 1.6m by 0.9m.
  16. The digital panel displays static images only, with a minimum 10 second dwell time and smooth fade transitions, with no moving, scrolling or flashing content.
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17. Illumination is controlled by ambient light sensors and capped at up to 2,500 cd/m<sup>2</sup> by day and around 280 cd/m<sup>2</sup> at night, well within the thresholds in the Institute of Lighting Professionals' PLG05 (2023) guidance.
18. The kiosk is aligned with the existing line of street furniture along the western footway, maintaining an unobstructed pedestrian corridor of around 5m between the kiosk and the building line—significantly in excess of Inclusive Mobility standards for busy town centre routes.
19. The kiosk provides: contactless enabled public telephony; interactive wayfinding and civic information; capacity for Wi Fi and/or small cell mobile equipment; an integrated public AED in partnership with the Community Heartbeat Trust; and a single static digital advertising screen.

## **The Council's decisions and main issues**

20. Planning permission was refused on the basis that the kiosk, by virtue of its scale, prominent location and illuminated displays, would be visually incongruous and intrusive, harming the significance of the Huddersfield Town Centre Conservation Area and the setting of nearby listed buildings; that the public benefits would not outweigh the “less than substantial” harm; and that the proposal would introduce additional illuminated street furniture and visual clutter, contrary to policies LP17(a), LP24(a) and LP35, chapters 12 and 16 of the NPPF and section 72 of the 1990 Act.
  21. Express advertisement consent was refused on the basis that the single digital panel, due to its scale, illumination and prominent location, would form a visually jarring, intrusive and incongruous feature to the detriment of visual amenity, would fail to preserve the setting of the conservation area, and would cause “less than substantial” harm with insufficient public benefits to outweigh that harm, contrary to policies LP24(a), LP25(1)(a) and (b), LP35, section 66(1) of the 1990 Act and NPPF chapters 12 and 16.
  22. The officer report confirms there are no objections on highway safety grounds, no concerns regarding residential amenity or noise, that the remaining pavement width is acceptable (around 5m), and that the principle of development is acceptable; the only objection relates to heritage and visual impact (including alleged clutter) and the weight given to public benefits.
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23. Against that background, the main issues for the planning appeal are:

- whether the kiosk preserves or enhances the character and appearance of the Huddersfield Town Centre Conservation Area and the setting of the nearby Grade II listed terrace, having regard to sections 66(1) and 72 of the 1990 Act, policies LP17, LP24 and LP35 and NPPF chapter 16; and
- if any “less than substantial” harm is identified, whether that harm is outweighed by the public benefits of the proposal in accordance with NPPF paragraph 215.

24. For the advertisement appeal, the main issues are:

- whether the single digital display would unacceptably harm amenity in its commercial conservation-area setting, having regard to Regulation 3 and Regulation 3(2)(a) of the Advertisement Regulations and policy LP25; and
- whether there are any implications for public safety, bearing in mind the one-way access road context and absence of highway objection.

## **The Policy Context**

25. Section 38(6) of the 2004 Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

26. The development plan includes the Kirklees Local Plan (2019), notably policies LP1 (presumption in favour of sustainable development), LP2 (place shaping), LP17 (Huddersfield town centre), LP24 (design), LP25 (advertisements and shop fronts) and LP35 (historic environment).

27. LP24 expects high-quality design which respects and enhances the character of townscape and heritage assets, achieves a high standard of amenity, and minimises visual clutter within the public realm.

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28. LP25 permits advertisements where they are in scale with the host context, use appropriate materials and respect the character of the locality and any features of historic or architectural interest.
29. LP35 requires proposals affecting designated heritage assets or their settings to conserve or enhance their significance while recognising that sensitive, innovative design can make a positive contribution.
30. The NPPF (December 2024) confirms that advanced, high-quality communications infrastructure is essential for economic growth and social well-being, and expects planning decisions to support the expansion and upgrading of electronic communications networks, including small-cell technology and full-fibre broadband.
31. In relation to heritage, the NPPF requires great weight to be given to the conservation of designated heritage assets, that any harm be clearly and convincingly justified, and that less-than-substantial harm be weighed against the public benefits of the development.
32. For advertisements, the NPPF and PPG confirm that control is confined to amenity and public safety and that the assessment of amenity must reflect the character of the area, including existing levels of commercial activity and illumination.

## **Heritage and visual impact**

### **The Officer's Assessment and its Limitations**

33. The officer report describes John William Street as a main commercial street "around 14m from Huddersfield Train Station" but offers no clear view based analysis of how the kiosk would sit in key townscape views or which aspects of heritage significance would be harmed.
34. The ten fold understatement of the station distance (approximately 150m in reality) undermines the reliability of the assessment and suggests that limited weight should be given to unsupported assertions of "visual clutter" or "jarring impact".
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### **Scale, siting and townscape**

35. The kiosk's footprint of under 1m<sup>2</sup> and height of 2.4m place it firmly in the family of vertical street furniture already present on John William Street, such as lighting columns, bus stops and traffic signs.
36. The black powder-coated finish and glazed sides give it a slender, recessive profile that reads as contemporary street equipment rather than as a competing built form against the three- and four-storey stone façades, while its proportions and detailing take clear design cues from traditional British telephone boxes, ensuring it feels familiar within a historic streetscape rather than alien.
37. In a wide street accommodating buses and taxis, generous pavements and existing illuminated shopfronts and shelters, a single, compact kiosk aligned with the western furniture line does not introduce ad-hoc clutter but reinforces an ordered rhythm of vertical elements.
38. An unobstructed pedestrian route of around 5m is maintained between the kiosk and the building line, comfortably exceeding Inclusive Mobility expectations for high-footfall town-centre routes and ensuring that ease of movement and inclusive access are preserved.

### **Listed buildings and conservation area**

39. The kiosk is located within the setting of the listed terrace at 22–34 John William Street, but it is sited in the highway, is substantially lower and narrower than the building elevations, and is finished in recessive materials that avoid visual competition with historic fabric.
  40. It does not obstruct principal views of the listed façades, fenestration, arched openings, decorative detailing or rooflines, and is read in the foreground of an already active commercial streetscape where modern shopfronts and street furniture form part of the established character.
  41. The officer report does not identify which elements of the listed buildings' significance would be harmed, nor any specific views within the conservation area that would be materially degraded by the kiosk; in the absence of such
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analysis, the assertion of harm lacks the clear and convincing justification required by the NPPF.

42. The Huddersfield Town Centre Conservation Area is a working town centre, not a static museum piece; conservation area status does not preclude well designed contemporary infrastructure where this respects the area's special interest and supports its ongoing vitality.
43. At ground level John William Street already accommodates modern shopfronts, illuminated fascia signs, digital advertising on bus shelters, street trees and a variety of street furniture, all of which demonstrate that sensitively designed modern elements can sit alongside historic buildings without harming significance.
44. Even if, contrary to the appellant's primary case, some heritage impact were identified, it would be at the very lowest end of the "less than substantial" spectrum: the kiosk is small, recessive, consolidates multiple functions, avoids new cabinets or poles, and maintains the primacy of the historic façades in the streetscape.

## **Public benefits**

45. The Council accepts that the only objection relates to visual and heritage impact, with no concerns raised over highway safety, amenity, noise, accessibility or operational issues.
  46. Set against the limited (or non-existent) heritage harm, the kiosk delivers multiple tangible public benefits:
    - Public telephony, including free calls to emergency numbers and key charities, with accessible handset design meeting BS8300 height criteria.
    - An interactive touchscreen offering mapping, emergency contacts and local information, particularly valuable for visitors moving between the station and the retail core.
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- Capacity for small-cell 4G/5G equipment and/or public Wi-Fi, allowing network operators to improve coverage in a high-demand area without additional street clutter.
- A prominently sited public AED managed in partnership with the Community Heartbeat Trust and registered on The Circuit, improving the chances of survival in out-of-hospital cardiac arrests.

47. By integrating these functions with the advertising panel, the kiosk avoids the need for separate phone boxes, information totems, wall-mounted defibrillator cabinets, stand-alone advertising structures and additional telecommunications housings, thereby reducing, rather than increasing, the potential for cumulative clutter.

48. These benefits directly support NPPF objectives for healthy and safe communities, high-quality communications and successful town centres, as well as Local Plan aims for infrastructure, design quality and town-centre vitality.

49. The officer report seeks to downplay the weight of the telephony and defibrillator functions by noting that other facilities exist elsewhere in the town centre; however, that does not negate the value of additional provision on a principal pedestrian desire line, where proximity, visibility and redundancy are critical to public safety outcomes.

50. On any fair application of NPPF paragraph 215, the minimal level of heritage impact alleged is clearly outweighed by the suite of everyday public benefits delivered in this specific location.

### **Advertisement amenity and public safety**

51. For the advertisement appeal, Regulation 3 of the Advertisement Regulations confines the assessment to amenity and public safety.

52. The officer report and highway consultation confirm that the kiosk raises no highway safety concerns: it sits on a one way access road, does not interfere with visibility or the interpretation of traffic signs, and the static, slow changing display is not expected to distract drivers or other road users.

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53. The public safety limb of the statutory test is therefore satisfied.
54. In amenity terms, the display must be judged in the context of its locality: a busy commercial street within the town centre conservation area, already characterised by modern shopfronts, illuminated signage, bus shelters, lighting columns and significant pedestrian and vehicular activity.
55. A single, moderate sized static panel of 1.6m × 0.9m, integrated into a slender kiosk and aligned with existing street furniture, is wholly in keeping with that commercial context and does not introduce a new or discordant visual typology.
56. Operational controls ensure that amenity is safeguarded: static images only, a minimum 10 second dwell time, smooth fade transitions, luminance capped below ILP PLG05 thresholds and a freeze frame default in the event of malfunction.
57. In combination, these measures mean the advertisement will be legible but not visually overbearing, particularly during hours of darkness, and will not materially detract from the character or appearance of the conservation area.
58. The appellant would accept conditions securing these parameters (static content, dwell time, luminance limits, dimming sensors, freeze frame default and maintenance of a clear pedestrian route), ensuring continued compliance throughout the life of the consent.

## **Conclusions**

59. The proposal represents a modest, carefully designed piece of contemporary street furniture on a wide, busy commercial street within Huddersfield town centre, where modern infrastructure already forms part of the established character.
60. The kiosk respects the scale and architectural quality of the Huddersfield Town Centre Conservation Area and the setting of nearby listed buildings, delivers significant public benefits in terms of health, accessibility and digital
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connectivity, and any limited heritage impact alleged is clearly outweighed in the NPPF paragraph 215 balance.

61. The associated digital advertisement is tightly controlled, sits comfortably within its commercial context, and raises no issues of public safety or amenity that would justify withholding consent under the Advertisement Regulations or Local Plan policy LP25.
62. The Secretary of State is therefore respectfully invited to allow both the planning and advertisement appeals and to grant planning permission and express advertisement consent for the proposed digital communications kiosk and integrated display at land adjacent to 30 John William Street, Huddersfield, subject to appropriate and proportionate conditions.

## **Conditions**

Should the Secretary of State be minded to allow the appeals, it is proposed that conditions are imposed reflecting those volunteered in the Planning, Design and Heritage Statement, as follows:

- The development shall operate in accordance with the approved drawings and documents specified by the local planning authority;
- Express advertising consent shall be granted for a period of five years;
- During periods of darkness, luminance shall not exceed 600 cd/m<sup>2</sup>, in accordance with ILP PLG05 (2023) or any successor guidance.
- The panel shall include a default mechanism to freeze the current image in the event of malfunction.
- Only static images shall be displayed, with a minimum display time of ten seconds per image.

63. Such conditions are necessary, relevant and enforceable, and would ensure the kiosk and advertisement continue to operate within tightly defined parameters that are compatible with the conservation-area and listed-building context.
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