Planning Inspectorate

Appeal Decisions

Site visit made on 29 June 2026

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026

Appeal A Ref: 6004028
Pavement O/S 36 New Street, Huddersfield HD1 2BU

- 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 Ben Porte (New World Payphones) against the decision of Kirklees Council.
- The application Ref is 2025/62/93136/W.
- The development proposed is installation of 1no. black digital communications kiosk, defibrillator and ancillary advertisement.

Appeal B Ref: 6004029
Pavement O/S 36 New Street, Huddersfield HD1 2BU

- 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 Ben Porte (New World Payphones) against the decision of Kirklees Council.
- The application Ref is 2025/64/93137/W.
- The advertisement proposed is digital advertising display integrated within digital communications kiosk.

Decisions

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 36 New Street, Huddersfield HD1 2BU in accordance with the terms of the application Ref is 2025/62/93136/W and the plans submitted with it subject to the conditions set out in the attached schedule.

2. Appeal B is allowed and express consent is granted for digital advertising display integrated within digital communications kiosk at Pavement O/S 36 New Street, Huddersfield HD1 2BU in accordance with the terms of the application, Ref 2025/64/93137/W. 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 additional conditions set out in the attached schedule.

Preliminary Matters

3. The appeals relate to an application for planning permission and advertisement consent for a black digital communications kiosk, defibrillator and ancillary advertisement which would be positioned in a pedestrianised section of New Street within the Huddersfield Town Centre Conservation Area.

4. As set out above, there are two appeals on this site. In the interests of avoiding duplication, I have dealt with the proposals together. With regard to Appeal B, my assessment is confined to the issues of amenity and public safety.

Main Issues

5. The first main issue is the effect of the proposal on the character and appearance of the Conservation Area and the effect of the proposal on the character and appearance of the town centre. The second is the effect of the proposal on the setting of the grade II listed No.34, No.36 and No. 40 New Street (No.34, No.36 and No. 40).

Conservation Area

6. The significance of this part of the Conservation Area sits largely with the form, scale, detailing and layout of its buildings along with the commercial use of the area.

7. However, the general appearance of this part of the Conservation Area at ground floor level is dominated by a modern retail environment with modern ground floor commercial frontages and a wide range of modern and prominent advertisement present on nearby retail buildings.

8. Existing paper and digital advertising panels can be seen close to each of the ends of this section of New Street. It is further the case that this section of New Street incorporates a wide variety of street furniture, including amongst other things equipment cabinets, tower planters, ground level planters and bins. Whilst these features serve to contribute to an active retail environment, the public realm feeds into what is overall a modern retail environment.

9. Within this setting, the communications kiosk, including its integrated digital screen would not be out of place and would not harm the significance of the Conservation Area. The proposal would subsequently preserve the character and appearance of the Conservation Area and would have no significant adverse impact on the wider character and appearance of the town centre.

Listed Buildings

10. No.34, No.36 and No. 40 sit close to the appeal site on one side of New Street and are attractive and long established buildings dating from the 18th to early 20th centuries. Whilst the appearance of the buildings vary, their significance broadly sits with their layout on a strong building line along New Street along with their scale, form and detailing.

11. However, the modern pedestrianised environment of this section of New Street can be clearly read separately from the buildings as the latest incarnation of a high street environment including an array of silver bollards and contemporary bench seating. It therefore makes a temporal, neutral contribution the significance of the buildings.

12. With this in mind, the addition of another piece of modern street furniture within this environment which would include advertising would be in keeping with the general character of this section of New Street. It would not detract from the significance of the buildings. There would therefore be no harm to the setting of No.34, No.36 and No. 40 as a result of the proposals. I am aware that there are further listed buildings

on the opposite side of the street (29 – 35 New Street, grade II). However, given the significance of those buildings is broadly similar to those above, my conclusions would the same with regard to those buildings.

13. To conclude against development plan policy on the main issues, there would therefore be no conflict with policies LP17, LP24 nor LP35 of the Kirklees Local Plan (2019) which amongst other things seek to as a minimum preserve the architectural heritage of Huddersfield, respect heritage assets and at a minimum preserve their significance.

Conditions

14. With regard to Appeal A, a time limit and plans condition are necessary to define the development. With regard to Appeal B, in addition to the five standard conditions set out in the Advertisement Regulations some further conditions are necessary. They prohibit moving images and regulate the frequency of image changes and the level of illumination in the interests of public safety. A condition requiring the screen to turn off in the event of a malfunction is also necessary.

Planning Balance and Conclusion

15. With regard to Appeal A, the proposal would preserve the character and appearance of the Conservation Area and would have no significant adverse impact on the wider character and appearance of the town centre. It would not harm the setting of nearby listed buildings. The proposal would accord with the development plan and there are no considerations to indicate a decision otherwise than in accordance with it. With regard to Appeal B, given my findings above, there would be no significant adverse impact with regard to amenity or public safety. Both Appeal A and Appeal B should therefore be allowed.

T Burnham

INSPECTOR

SCHEDULE OF CONDITIONS – APPEAL A

1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the plans hereby approved: 4906-001-004A, NWP-KIOSK/001& 4906-001-004B.

SCHEDULE OF ADDITIONAL CONDITIONS – APPEAL B

- The intensity of luminance of the advertisement shall be no greater than 300 candela per square metre during the hours of darkness;

- No individual advertisements displayed on the kiosk shall contain moving images, animation, video, full motion images, or images that resemble road signs or traffic signs;

- The interval between successive displays shall be instantaneous (1 second or less) with no flashing and a smooth instant change onto the next static poster image and the complete screen shall change, there shall be no visual effects including swiping or other animated transition methods between successive displays or any other special effects;

- The sequential advertisement on the kiosk shall not change more than once every ten seconds; and

- The approved display should contain at all times a feature that will turn off the screen in the event that the displays experience a malfunction or error.