Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Appeal Decision

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by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 22.01.2026

Appeal A reference: CAS-04304-K3B8V5

Appeal B reference: CAS-04300-C0M5F7

Site address: Pavement Outside 41 Regent Street, Wrexham, LL11 1SG

Appeal A: CAS-04304-K3B8V5

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Ben Porte (New World Payphones) against the decision of Wrexham County Borough Council.
- The application Ref P/2025/0228, dated 7 March 2025, was approved on 25 April 2025, and planning permission was granted subject to conditions.
- The development permitted is the installation of digital communications kiosk / defibrillator.
- The condition in dispute is No 3 which states that: The use of the building shall cease and be abandoned before 02/06/2030. The building together with any hard standing, base or slab upon which it stands shall be completely removed and the land restored to its previous condition not later than one month after that date.
- The reason given for the condition is: To comply with Section 91(3) of the Town and Country Planning Act, 1990.
- A site visit was made on 9 December 2025.

Appeal B: CAS-04300-C0M5F7

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against conditions imposed when granting express consent.
- The appeal is made by Mr Ben Porte (New World Payphones) against the decision of Wrexham County Borough Council.
- The application Ref is P/2025/0256, dated 7 March 2025, and express consent was granted subject to conditions.
- The advertisement permitted is a digital display sign (illuminated).

- The conditions in dispute are Nos 1 and 8 which state that: 1) The development hereby permitted shall be commenced before the expiry of five years from the date of this permission; and 8) The advertisement(s) hereby approved shall be retained for a limited period only until the 02/06/2030 on or before which date the advertisement(s) shall be removed and the use of the site for the display of advertisement(s) discontinued.
- The reasons given for the conditions are: 1) To comply with Section 91(3) of the Town and Country Planning Act, 1990; and 8) To comply with the Town and Country Planning (Control of Advertisements) Regulations 1992.
- A site visit was made on 9 December 2025.

Decisions

Appeal A

1. The appeal is allowed, and the planning permission granted for the installation of digital communications kiosk / defibrillator on the Pavement Outside 41 Regent Street, Wrexham, LL11 1SG in accordance with the terms of the application, Ref P/2025/0228, dated 7 March 2025, is varied by deleting condition No 3.

Appeal B

2. The appeal is allowed, and the express consent Ref is P/2025/0256 for a digital display sign (illuminated) on the Pavement Outside 41 Regent Street, Wrexham, LL11 1SG is varied by deleting conditions No 1 and No 8 and by substituting condition No 8 with the following condition:

   8. The advertisement consent hereby granted expires on 2 June 2030.

Procedural Matters

3. There are two appeals relating to the same site. Appeal A is an application for planning permission for the kiosk, and Appeal B is an application for express consent for an advertisement to be displayed on the reverse of the kiosk. I have considered both on their own merits, but to avoid duplication, I have considered them together, except where otherwise indicated. There are four other sites which are subject to appeals for similar development. These are subject to separate decisions.

Applications for costs

4. An application for costs has been made by Mr Ben Porte (New World Payphones) against of Wrexham County Borough Council in relation to both Appeal A and Appeal B. These applications are the subject of a separate Decision.

Main Issue

5. For Appeal A this is whether condition No 3 is reasonable or necessary to make the development acceptable.
6. For Appeal B this is whether conditions Nos 1 and 8 are reasonable or necessary, having regard to amenity and public safety.

Reasons

7. Welsh Government Circular 016/2014 ‘The Use of Planning Conditions for Development Management’ (the Circular) advises amongst other things that where a proposal related to a building or use which the applicant is expected to retain or continue only for a limited

period, whether because they have specifically volunteered that intention, or because it is expected that the planning circumstances will change in a particular way at the end of that period, then a temporary permission may be justified. The effect of the disputed planning condition No 3 under Appeal A is to grant temporary planning permission for the intended kiosk development. Although express advertisement consents are generally granted for a limited period, commonly 5 years, they may continue to be lawfully displayed after the expiry of express consent under the benefit of deemed consent under Regulation 6 and Class 14 of Part 1 of Schedule 3 to the Town and Country Planning (Control of Advertisements) Regulations 1992 (the Regulations). Disputed condition No 8 under Appeal B has the effect of removing deemed consent for the continuing display of the advertisement.

8. Amongst other things, the Council indicates that the two disputed conditions were imposed to reflect the temporary nature of the intended kiosk and advertisement in accordance with details on the application form which specified that consent was sought up to 2 June 2030. However, I consider it is clear from the application form that the 5-year period up to 2 June 2030 relates to the standard five-year period for express advertisement consent set out in the Regulations.

9. In relation to disputed condition No 1 under Appeal B, the Regulations allow for the imposition of a condition to specify, amongst other things, a commencement date for the period of the express consent being granted. Disputed condition No 1 specifies a commencement date before the expiry of 5 years from the date of the permission. There is no explanation why the commencement period differs from the period sought by the appellant. Moreover, the reason given for the condition however is to comply with Section 91(3) of the Town and County Planning Act 1990 (the Act) which does not operate in relation to advertisements. Given that the date of my decision is after the commencement date sought and with the imposition of a condition to define the expiry of the express consent, notwithstanding the misplaced legal basis for a commencement date, I do not consider disputed condition No 1 to be necessary.

10. Turning to the other two disputed conditions, there is nothing in the description of the development or in the supporting Planning & Design Statement (PDS) to suggest that temporary planning permission was being sought or that it was not proposed to take advantage of the deemed consent under the Regulations after the expiry of the specified express consent period. Even so, it was open to the Council to limit the duration of the consents in pursuing legitimate planning reasons.

11. I saw that the kiosk would be located within a wide area of pavement, partially covered by a canopy, on a two-way street, and aligned with the substantial and prominent church entrance which largely fills part of the nearby street. Owing to its intended position, it would not hinder pedestrian activity in the street. Given its intended form and scale, it would not be an obtrusive feature seen set against the nearby shops and its intended materials would help ensure it would not become quickly outdated. The illuminated advertisement would only be visible in the approach from the east. In relation to vehicular traffic, the advertisement would be viewed against existing, frequently illuminated, shopfronts and would be set away from the curve in the road in the approach to the nearby crossroads. Given the intended frequency of alternation of static displays, the advertisement would not be distracting. It is inherent in its decisions to grant consent for both the kiosk and advertisement that the Council has no policy or other planning grounds, or amenity or safety concerns, in relation to the appeal schemes in the short term and from my own observations and the evidence before me I have no reason to disagree.

12. The Council says it is concerned about protecting visual amenity and public safety by avoiding the long-term proliferation of redundant or outdated signage, and by ensuring advertisements do not create safety concerns as traffic patterns or surrounding uses change. The disputed conditions would allow the Council to reassess impacts periodically in light of changing circumstances. However, the Circular advises that conditions should be designed to tackle specific problems rather than impose unjustifiable controls. If a condition is wider in its scope than is necessary to achieve the desired objective, it will fail the test of necessity. Technical Advice Note 7: Outdoor Advertisement Control (November 1996) advises that authorities should not seek to impose conditions where they purport to limit, or remove, the benefit of any deemed consent for the display of an advertisement granted by virtue of the provisions of Regulation 6.

13. The appellant states that the kiosk is designed to serve as permanent public infrastructure which would continue to provide a functional and useful public service after 2030. The submitted Management Plan, which could be enforced, indicates a regular cleaning and maintenance regime which would be likely to ensure the kiosk's ongoing standard and serviceability. The standard conditions set out in the Regulations, and as imposed by the Council, would ensure that the advertisement was kept in safe and good order. Although the PDS confirms that the dual proposal, comprising the kiosk and the associated advertisement, is designed as a single, unified scheme where neither component could proceed independently, and whilst the long-term viability of the kiosk may be related to advertising income, there is no technical evidence that the kiosk could not function separately from the advertisement. Neither is there any substantive evidence that the intended technology is likely to become obsolete, or that the associated income stream would be likely to cease, leading to either the kiosk, or advertisement, or both, becoming redundant within 5 years. The Council has not highlighted any policy reason to limit the consents or provided reasons why it would be necessary to remove the kiosk or reinstate the appeal site if it found the continuing display of the associated advertisement unacceptable at the end of the intended temporary consent period.

14. Furthermore, I have not been provided with any evidence, such as details of any planned street work schemes, or any longer-term redevelopment proposals to indicate that circumstances locally are likely to change and which would necessitate the repositioning or removal of any street features including the appeal kiosk and advertisement and so justify limited and temporary consents.

15. The Council has drawn my attention to the advice of its Highway Authority of the need to ensure the availability of appropriate funds to remove obsolete equipment if necessary, and to ensure that safe access to service connections is available in an emergency, and which it considers reinforces the need for the condition. A condition designed to meet the objectives of the Highway Authority would fail the test of relevance to planning. However, as worded, the disputed conditions would not assist in achieving the objectives, which I consider could be properly dealt with under the Highways Act. Even where a condition does not actually duplicate or conflict with another control the Circular advises that differences in requirements can cause confusion, and it will be desirable as far as possible to avoid solving problems by the use of conditions instead of, or as well as, by another more specific control. Further, whilst there is nothing before me to suggest the kiosk or advertisement would be likely to become obsolete within 5 years, the conditions as worded requires their removal at the end of the temporary consent, whether obsolete or not. The ability to apply to extend any period of consent does not make the conditions reasonable or necessary.

16. Accordingly, I consider that there are no good planning reasons to restrict the use of the land for only a temporary period or to require cessation of the use of the kiosk, its

removal from the land and the reinstatement of the site, or to remove deemed consent for the continuing display of the advertisement beyond this date.

17. I conclude that disputed condition No 3 as worded under Appeal A is not reasonable or necessary to make the development acceptable.

18. I conclude that disputed conditions No 1 and No 8 under Appeal B are not reasonable or necessary, having regard to amenity and public safety.

Other matters

19. I acknowledge the appellant's concerns about the enforceability of condition No 3, and its precision. However, as I have found that the condition is not reasonable or necessary to enable the development to proceed, these matters do not fall to be considered.

Conclusion

Appeal A

20. For the reasons given, and having taken all matters into account, the appeal is allowed.

Appeal B

21. For the reasons given, and having taken all matters into account, the appeal is allowed.

22. In reaching my decisions I have taken into account the requirements of sections 3 and 5 of the Well-being of Future Generations (Wales) Act 2015. I consider this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

N Jones

INSPECTOR