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 reference: CAS-04331-J4H7H3

Site address: Pavement Outside 16 Lord Street, Wrexham, LL11 1LG

- 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/2025/0226, dated 7 March 2025, was approved on 29 May 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 kiosk shall cease and be abandoned before 02/06/2030. The kiosk 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.

Decision

1. The appeal is allowed and the planning permission granted for the installation of digital communications kiosk / defibrillator on the Pavement Outside 16 Lord Street, Wrexham, LL11 1LG, in accordance with the terms of the application, Ref P/2025/0226, dated 7 March 2025, is varied by deleting condition No 3.

Procedural Matters

2. The appellant made a dual application for both planning permission and advertisement consent in relation to the appeal proposal. Separate consent was granted for an advertisement to be displayed on the reverse of the appeal kiosk, but this does not form part of the current appeal which deals only with the intended kiosk structure. There are four other sites in Wrexham which are subject to appeals for similar development. These are subject to separate decisions.

Application for costs

3. An application for costs has been made by Mr Ben Porte (New World Payphones) against Wrexham County Borough Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is whether the disputed condition is reasonable and necessary.

Reasons

5. The effect of the disputed condition is to grant temporary planning permission. 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.

6. Amongst other things, the Council states that the disputed condition is a standard condition that has been applied to ensure that the advertisements which would be included within the kiosk installation are temporary in nature, reflecting their intended role as set out in the application form. I note that the appellant's Planning & Design Statement (PDS) confirms that the appeal kiosk is designed as a single, unified scheme with an associated, but separately consented, advertisement where neither component could proceed independently. The PDS instructs that 'the proposal must be considered as an integrated whole' and there is nothing before me in support of the appeal to suggest that the kiosk would be delivered independently from its associated advertisement. Even so, I consider that it is clear that the five-year period up to 2 June 2030 specified on the application form referred to the period of time for which express advertisement consent was also being sought. There is nothing in the description of the intended development or supporting documents to suggest that a temporary planning permission was sought for the kiosk. Nonetheless, it was open to the Council to limit the duration of the permission in pursuing legitimate planning reasons.

7. The Council 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 condition would allow the Council to reassess impacts periodically in light of changing circumstances. It is inherent in its decision to grant planning permission that the Council considers the intended kiosk structure to be acceptable on policy and other planning grounds in the short term. Given the evidence before me, as well as my observations during my site visit where I saw that the kiosk would be set amongst and aligned with a multitude of street furniture away from the main thoroughfare, and so would be visually well-integrated and unlikely to be hazardous to existing traffic accessing this area, I have no reason to disagree.

8. 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. Whilst acknowledging the structure's inherently dual purpose, and that the PDS acknowledges the associated advertisement is pivotal to funding, there is no evidence before me that in technical terms, it could not continue to do so in the absence of the associated advertisement. The submitted Management Plan, which could be enforced, indicates a regular cleaning and maintenance regime which would be likely to ensure the proposal's ongoing standard and serviceability. The Council provides no substantive

evidence that the kiosk structure, or indeed the associated advertisement, is likely to become obsolete within 5 years or 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 expiry of the relevant express consent as separately given.

9. Furthermore, the Council has not highlighted any policy reason to limit consent, and 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 so justify temporary consent. 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.

10. 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 condition would not in itself 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 would be likely to become obsolete within 5 years, the condition as worded requires its removal at the end of the temporary consent, whether it is obsolete or not. The ability to apply to extend the period of consent does not make the condition reasonable or necessary.

11. 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.

12. I conclude that the disputed condition is not reasonable or necessary.

Other matters

13. I acknowledge the appellant's concerns about the enforceability of the condition, 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

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

15. In reaching my decision 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