



Appeal Decisions

Site visits made on 13 October 2025 and 27 October 2025

by **R Major BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal A Ref: APP/B4215/W/25/3369551

Footpath outside 59 Brackley Avenue, Manchester M15 4FS

- 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 Simon Warner of BT Group PLC against the decision of Manchester City Council.
- The application Ref is 142782/FO/2025.
- The development proposed is described as installation of 1no. BT Street Hub Unit and associated advertisement panels on either side of the unit.

Appeal B Ref: APP/B4215/H/25/3369552

Footpath outside 59 Brackley Avenue, Manchester M15 4FS

- 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 Simon Warner of BT Group PLC against the decision of Manchester City Council.
- The application Ref is 142783/AOH/2025.
- The advertisement proposed is described as installation of 1no. BT Street Hub Unit and associated advertisement panels on either side of the unit.

Decision

1. Appeal A is allowed and planning permission is granted for installation of 1no. BT Street Hub Unit and associated advertisement panels on either side of the unit at footpath outside 59 Brackley Avenue, Manchester M15 4FS in accordance with the terms of the application, Ref 142782/FO/2025, subject to the conditions in the attached schedule.
2. Appeal B is allowed and express consent is granted for display of 1no. BT Street Hub Unit and associated advertisement panels on either side of the unit at footpath outside 59 Brackley Avenue, Manchester M15 4FS in accordance with the terms of the application, Ref 142783/AOH/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 2007 Regulations and the conditions in the attached schedule.

Preliminary Matters

3. The two appeals relate to the same proposal on the same site. Appeal A concerns the refusal of planning permission to erect a street hub unit (the hub). Appeal B concerns the refusal of express consent for advertisement panels on either side of the hub. I have considered each appeal on its individual merits, however, as they raise similar issues, I have combined both decisions into a single decision letter.
4. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that decisions are made only in the interest of amenity and public safety. Therefore, whilst I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.

5. An initial site visit was made on 13 October 2025. A follow-up site visit was undertaken on 27 October 2025.

Main Issues

6. The main issues in respect of Appeal A are the effect of the proposal on:
 - the character and appearance of the area; and
 - highway and pedestrian safety.
7. Whilst the Council's Decision notice in respect of the advertisement consent does not include a reason for refusal in respect of public safety, in view of the public safety issues raised in both parties' evidence this matter is a main issue in Appeal B. Consequently, the main issues in respect of Appeal B are the effect of the proposed advertisement on amenity and public safety.

Reasons

Character, appearance and visual amenity

8. The appeal relates to a section of pavement on the southern side of Chester Road (A56), a main arterial route in and out of Manchester city centre. Directly to the south of the appeal site is a four-storey apartment block and to the north, on the opposite side of the highway, is a vehicle repair garage. The surrounding area comprises of several significantly sized buildings and has a mixed-use character, consisting of both commercial and residential uses.
9. On this side of the highway existing street furniture within the immediate vicinity of the appeal site is limited to a lighting column and payphone kiosk. However, given the mixed-use character of the area there are various advertisements and signage on nearby buildings. There is also a freestanding totem advertisement for the vehicle repair garage opposite, as well as advertisements on a nearby bus shelter and the existing payphone kiosk. Moreover, to the west of the appeal site, views down Chester Road are dominated by a large, modern, freestanding, digital totem sign.
10. The appeal proposal seeks to remove the existing payphone kiosk and erect a street hub unit with advertisement panels on either side. The proposed installation would be an upstanding rectangular structure and would be positioned to the west of the existing kiosk. The hub would house features that provide free Wi-Fi, free UK calls, USB charging, access to emergency services and other facilities.
11. The submission also details that an existing kiosk at 269 City Road would be removed. This kiosk is located a significant distance from the appeal site and within a more residential setting. Thus, I found it to be visually unrelated to the appeal site. The potential benefits of the removal of the kiosk at 269 City Road have therefore not factored into my determination of this appeal.
12. Nevertheless, the existing kiosk on the pavement directly to the east is visually well related to the appeal site. This kiosk has a bulky appearance, and I observed that it contains graffiti. In its present state this item of street furniture looks visually unattractive, and its removal would be of some visual benefit along this arterial route in and out of the city. The removal of this kiosk, which could be secured by condition, would also ensure that the proposal would not result in an increase in street clutter on this section of the pavement.

13. Based on my observations I acknowledge the proposed hub would be taller and more modern in appearance than the existing kiosk, and the introduction of illuminated digital displays would increase the prominence of the proposal in comparison to this kiosk.
14. Nevertheless, given the mixed character of the surroundings; the large scale and size of nearby buildings; and the existence of signage in this area and in particular the large digital totem sign to the west which dominates views along this section of Chester Road, the increase in height and prominence resulting from the proposal, as well as its more modern appearance, would not be such that it would lead to harm to the visual amenity of the area. The proposal would not therefore adversely affect its immediate surroundings and would not represent a visually intrusive and incongruous feature within the street scene.
15. Furthermore, I find the introduction of rotating digital advertisement displays would not appear incongruous, either on its own or in combination with other nearby advertisements, most noticeably the larger totem to the west which has digital images. I do not therefore consider the proposed advertisements would be harmful to visual amenity or result in an over proliferation in this setting. The proposal would also not unacceptably harm views along this arterial route into the city.
16. In view of the above, I conclude that the proposal would not harm the character, appearance and visual amenity of the area. I therefore find no conflict with Policies DM1, EN1 and SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document (adopted 2012 and amended 2024) (CS), saved Policies E3.3 and DC15 of the Unitary Development Plan for the City of Manchester (1995) (UDP) and Policy JP-P1 of the Places for Everyone Joint Development Plan (2024), where they together seek to ensure, amongst other things, that development is appropriate, respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used; upgrades the appearance of major radial and orbital roads; and incorporates high quality in the design and finish of the public realm. The proposal would also accord with the relevant provisions of the National Planning Policy Framework (the Framework) which have similar aims.
17. I have also had regard to the principles to produce high quality and inclusive design set out within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) (SPD). Given that I have concluded that the proposal would not harm visual amenity for the reasons detailed above, I therefore conclude the proposal would not conflict with this guidance.

Highway, pedestrian and public safety

18. During my site visits I observed only a limited number of pedestrian movements along the pavement on the appeal site's side of the highway. Whilst only a snapshot in time there is no substantive evidence to suggest that what I saw was untypical of the pedestrian movements in this area.
19. The submitted plans show that a clearance distance of approx. 1.9m would be provided between the proposed hub and the edge of the kerb. The Council, and the Highway Service, state that this figure is below the minimum footway width of 2m, which is required to ensure pedestrian movements are unimpeded.

20. The appellant has drawn my attention to the inclusive mobility guidance document¹ (IMGD) and I see no reason why this document should not be afforded weight as a material consideration. Paragraph 4.2 of this document relates to the width of footways and footpaths. It states that under normal circumstances a width of 2m is the minimum that should be provided to allow two wheelchair users to pass. If this is not feasible due to physical constraints it advises that a minimum width of 1.5m could be regarded as the minimum acceptable, before stating that where there is an obstacle, such as a lamp post or signpost, the absolute minimum width should be 1m, but the maximum length of such a restriction should be 6m.
21. As detailed the proposal would result in a footway width of approx. 1.9m, and this therefore falls marginally below the 2m guidance contained within the IMGD. However, it would exceed the reduced figures of 1.5m and 1m which are also detailed within this document. Furthermore, given the narrow depth of the proposed installation the restricted footway width of 1.9m would be for a very short length.
22. As such, given the limited number of pedestrian movements I saw during my site visits, and even allowing for certain parts of the day when there could be a greater footfall around the appeal site, in this particular location I find the provision of a 1.9m wide footway would be sufficient to allow for pedestrians of all mobility types to safely manoeuvre. In my judgement pedestrians would not be required to leave this footway as a result of the appeal proposal and could negotiate the area without being unduly impeded. As such, and based on my observations of this location, I do not find that the proposal would result in a harmful impact upon pedestrian movements along this pavement.
23. To the west of the appeal site is the dead-end highway of Cleworth Street, which has an access point onto Chester Road. I observed on site that this section of Chester Road has a speed limit of 30mph and includes a cycle lane on this side of the carriageway. This cycle lane results in traveling motor vehicles being positioned away from the kerb edge and this, along with the straight and flat nature of the highway, improves visibility at the Cleworth Street access. Furthermore, the proposed hub would be set back approx. 1.9m from the edge of the carriageway.
24. As a result of these matters, and based on my observations on site, I find that the proposed hub would be sited an adequate distance from this access point to ensure that it would not unacceptably affect the visibility of oncoming vehicles and cycles as road users leave Cleworth Street to join Chester Road.
25. In view of all the above, I conclude that the proposal would not be harmful to highway, pedestrian and public safety. I therefore find no conflict with CS Policies DM1, SP1 and T1, where they together seek to ensure, amongst other things, that development has regard to road and community safety, and seeks to improve pedestrian routes and the pedestrian environment. The proposal would also adhere to the principle of achieving ease of movement as detailed within the SPD and accords with the provisions of the Framework where it states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

¹ Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure. Department for Transport (2021)

26. In coming to my conclusion, I have also taken into consideration paragraph 141 of the Framework in so far as it is material in respect of its aim of controlling advertisements in the interests of public safety.

Other Matters

27. I note the Council's reason for refusal in respect of the impact of the proposed hub on the character and appearance of the area refers to conflict with UDP Policy DC17.1. This policy states that applications for telecommunications developments will normally be approved if the Council can be satisfied that the development has been sited and designed to minimise its impact on residential amenity and in environmentally sensitive areas.
28. From my observations on site and the evidence that is before me, I find that the proposal would not result in any harm to the living conditions of nearby occupiers, and no evidence has been provided to demonstrate that the appeal site is within an environmentally sensitive area. As such I do not find UDP Policy DC17.1 to be determinative in respect of the main issues raised in this appeal.
29. Both parties have drawn my attention to a number of allowed and dismissed appeal decisions² for hubs and associated advertisements throughout the country. The appellant has also drawn my attention to decisions³ of the Council whereby hubs with advertisements have been granted consent in commercial areas which the appellant considers to be similar in character to the appeal site.
30. Whilst I have had due regard to these decisions, issues relating to the impact of a proposal upon the character, appearance and visual amenity of an area are matters of planning judgement based on the site-specific circumstances and surroundings.
31. In this regard, I have been provided with limited information in respect of these decisions that would enable me to draw any direct comparisons with the specifics of the appeal site and scheme before me. These appeal decisions, and decisions of the Council, therefore carry limited weight in my determination of this appeal.

Conditions

32. The Council and the appellant have provided some suggested conditions for both appeals which I have considered against paragraph 57 of the Framework, and the advice contained in the Planning Practice Guidance. I have edited the suggested conditions to improve precision and enforceability where necessary.
33. In Appeal A, in addition to the statutory time condition (1), a condition listing the approved drawings (2) is needed to ensure clarity of what has been permitted. I have also imposed a condition which requires the development to be carried out in accordance with the details included within the submitted supporting documents (3). This condition is necessary in the interests of visual and residential amenity, and to ensure that the development operates as per the submitted details.
34. A condition requiring the removal of the existing BT telephone box to the east of the appeal site within three months of the commencement of development has been attached to ensure there would be no excess clutter on the street (4).

² APP/Z5630/H/3209488; APP/N5090/Z/22/3296138; APP/N5090/D/22/3296141; APP/N5090/Z/22/3295689; APP/J2373/H/22/3305026; APP/J2373/W/22/3304941; APP/J2373/W/22/3305075; APP/J2373/H/22/3304942; & APP/Z3636/W/25/3361981

³ Council Ref: 136215/FO/23 and 136213/FO/2023

35. The Council suggested a condition be imposed that requires a verification report to be submitted to confirm compliance with the noise levels detailed within the submitted documents. However, provided that the requirements of condition (3) are adhered to a verification report is not necessary. This condition has therefore not been included.
36. The Council has also suggested a condition relating to the digital display. These matters have however been covered via conditions attached to Appeal B and therefore have not been imposed on Appeal A.
37. In Appeal B, all advertisements granted express consent are subject to the five standard conditions set out in the Regulations. In addition to these, to prevent visual intrusion it is necessary to apply conditions (1 & 2) to control the illumination of the advertisements so they do not stand out significantly from the background illumination in the street.
38. Conditions to ensure there are no moving images (3); the minimum display time is 10 seconds with the interval between successive displays being instantaneous and that the display will switch off in the event of a malfunction (4); and that no content on the display shall resemble a traffic sign (5), have been imposed. These are all necessary to avoid the risk of distraction to passers-by.
39. The appellant has suggested additional conditions be attached to Appeal B with respect to any advertisement being maintained in a condition that does not impair the visual amenity of the site, and that any advertisement hoarding or structure is to be kept in a condition which does not endanger the public. These suggested conditions however reflect two of the five standard conditions set out in the Regulations, which are automatically imposed, and therefore do not need to be repeated.

Conclusion

40. For the reasons given above, and taking into account all matters raised, both Appeal A and Appeal B are allowed.

R Major

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/B4215/W/25/3369551

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans:
 - 002 - Proposed Site Plan (Rev B)
 - 004 - Proposed Site Elevation (Rev B)
 - BT Street Hub Unit Dimensions
- 3) The development hereby approved shall be installed and maintained at all times thereafter in accordance with the details specified within the documents titled:
 - Street Hub Product Statement (V2.0, September 2024);
 - Street Hubs Anti-Social Behaviour Management Plan (Version 3);
 - Street Hub Noise Management Plan (Version 2)
- 4) Within three (3) months of development commencing, the existing BT payphone box on the footpath outside 59 Brackley Avenue, as indicated for removal within the submitted document titled "Planning Supporting Statement" - Ref: TRF-101, shall be removed in its entirety and the land made good to the same condition as the adjacent land.

Appeal B Ref: APP/B4215/H/25/3369552

In addition to the five standard conditions in the Regulations:

- 1) In daylight hours, the intensity of the illuminance of the advertisements shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values (in cd/m²) set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (2023) (or its equivalent in a replacement guide).
- 2) In the hours of darkness (between dusk and dawn), the intensity of the illuminance of the advertisements shall be no greater than the maximum night-time luminance value (in cd/m²) set out in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (2023) (or its equivalent in a replacement guide).
- 3) The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 4) The minimum display time for each piece of content on the digital display screens shall be 10 seconds. The interval between successive displays shall be instantaneous and the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the

display will include a mechanism to switch to a blank screen with a black background in the event of a malfunction.

- 5) No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

*****End of Conditions*****