Planning Inspectorate

Appeal Decisions

Site visit made on 8 January 2026

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal A Ref: APP/T4210/W/25/3372958
Footpath to the east side of Bury New Road (adjacent to Morrisons), Unsworth M45 8QS

- 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 Verity Cheyne of BT Group PLC against the decision of Bury Metropolitan Borough Council.
- The application Ref is 72039.
- The development proposed is installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit.

Appeal B Ref: APP/T4210/H/25/3372960
Footpath to the east side of Bury New Road (adjacent to Morrisons), Unsworth M45 8QS

- 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 Verity Cheyne of BT Group PLC against the decision of Bury Metropolitan Borough Council.
- The application Ref is 72040.
- The advertisement proposed is two digital 75 inch LCD display screen, one on each side of the Street Hub unit.

Decision

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. There are two appeals on the same site; one against the refusal of planning permission and the other against the refusal to grant advertisement consent. The proposals are intrinsically linked and raise similar issues. To avoid duplication, I have dealt with the two appeals together, except where otherwise indicated.

3. With regard to Appeal B, the Advertisement Control Regulations[1] and the National Planning Policy Framework (the Framework) require that decisions are made only in the interest of amenity and public safety, taking into account the provisions of the development plan, so far as they are material. As such, whilst I have considered the development plan policies which the Council consider to be relevant to amenity and public safety, they are not determinative.

4. The appellant has indicated that following the construction of the proposal, a telephone box would be removed from the access road to Whitefield Metrolink

[1] The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Station. The description of development on the Application Form did not refer to the removal of this box. Moreover, the telephone box was not included within the application site shown on the Site Location Plan[2]. However, the Decision Notice for the planning application[3] referred to "the relocation of existing phone." It is therefore clear that the Council considered the removal of the telephone box as part of the planning application.

5. Although the telephone box is not within the application site, it is owned by the appellant. As such, a negatively worded condition could ensure that the telephone box would be removed prior to the proposed Street Hub being operational. Consequently, I will consider the removal of the telephone box when determining the appeals.

Main Issues

6. The main issues for Appeal A are the effect of the proposed development on (a) the character and appearance of the area, and (b) highway safety. The main issues for Appeal B are the effect of the proposed advertisement on (a) amenity, and (b) public safety.

Reasons

Character and appearance, and amenity

7. The appeal site is part of the public highway next to a supermarket and a bus stop on Bury New Road. There are numerous commercial properties in the area and a Metrolink Station is in proximity to the appeal site. There are also several advertisements, largely associated with the commercial properties they are attached to. In addition, there are billboard advertisements attached to the side of buildings and small freestanding advertisements. Given the above, the area has an urban character and appears as a local centre close to a transport hub.

8. Although the proposed Street Hub would be narrower in depth, than existing telephone boxes, due to its height and width it would still be a significant addition to the footpath. The proposed Street Hub would be sited very close to a bus stop, bins, and a street light, which has a traffic sign attached to it. As such, the proposed Street Hub would contribute to an abundance of street furniture which is positioned across a short section of footpath which is not particularly wide. Moreover, the proposed orientation of the Street Hub would be such that it would face toward people walking along the footpath. Combined with the illuminated advertisement, this would increase the prominence of both the proposed development and advertisement. Taking account of the above factors, the proposal would result in the footpath appearing cramped and cluttered.

9. The proposed advertisement would be larger than existing freestanding advertisements in the area. Moreover, other freestanding advertisements are positioned in areas where there is less street furniture. As such, those advertisements do not significantly reduce the amount of usable footpath. Accordingly, the proposed advertisement and Street Hub would appear incongruous within the street scene.

[2] Drawing Ref. Steet Hub, BRY-115 Morrisons, 001 – Existing Site Plan, Rev. A
[3] Planning Application Ref. 72039

10. The appellant has highlighted several appeal decisions[4] where similar developments and advertisements were deemed to be acceptable with regard to the effect on the character and appearance, and visual amenity. Nevertheless, the pertinent details of those proposals are not before me, and they are located in different parts of the country. As such, those proposals are materially different to the proposal before me. Therefore, I ascribe very limited weight to those decisions in favour of the appeal proposal.

11. With respect to Appeal A, the proposed development would have a harmful effect on the character and appearance of the area. It would be contrary to policies EN1/2, EN1/4, and EN1/9 of the Bury Unitary Development Plan, August 1997 (UDP) and Policy JP-P1 of the Places for Everyone, Joint Development Plan Document, 2022 to 2039, March 2024 (PFE). These policies indicate that the Council will encourage the provision of suitably located and well-designed street furniture, amongst other matters. The proposed development would also not be in accordance with the Framework where it indicates that the creation of high quality places is fundamental to what the planning process should achieve.

12. Similarly, with respect to Appeal B, the proposed advertisement would be harmful to visual amenity. Although not determinative, the proposed advertisement would be contrary to UDP Policy EN1/9 and the Framework, where they indicate that the Council will seek to control advertisements in the interest of amenity and that the character of places can suffer when advertisements are poorly sited.

Highway and public safety

13. Next to the appeal site is private land. This area is paved and pedestrians are currently able to use this space as an extension of the public footpath. However, it is partially closed off for an outdoor seating area, and other sections of the land accommodate soft landscaping. Evidence has been provided that this land was previously closed off to the public whilst construction works were ongoing. There is no reason why the access to the private land adjoining the appeal site could not be restricted in future. This would be outside of the control of the appellant and the Council. Therefore, when determining the appeal, I have assessed that the extent of the usable footpath only extends to the extent of the public highway.

14. My assessment differs from the assessment of other inspectors in the appeal decisions[5] that have been put before me. Nonetheless, in those instances there was no evidence that access to private land would be restricted. Whereas in this instance, there is evidence that it has previously been restricted and there are nearby uses and areas of soft landscaping which could extend to the land adjoining the appeal site. Furthermore, for both those proposals the inspectors concluded that the amount of usable footpath was sufficient without considering the private land. Therefore, the proposal that is before me is materially different to those proposals and the acceptance of private land as part of a usable footpath in other cases, does not set a precedence.

15. Whilst the proposed Street Hub would be positioned broadly in line with the bins and the bus stop, it would be on the other side of the footpath from the street light. As such, it would block pedestrians' desire lines. Moreover, the width of the

[4] Appeal Refs. APP/Z5630/H/3209488; APP/N5090/Z/22/3296138; APP/J2373/H/22/3305026; APP/J2373/W/22/3304941; APP/J2373/W/22/3305075; and, APP/N5090/Z/22/3295689.
[5] Appeal Refs. APP/Q3630/W/25/3363952 and APP/Q3630/H/25/3363953; and, APP/Q3630/W/25/3363957 and APP/Q3630/H/25/3363958.

retained footpath would be less than required by Transport for Greater Manchester to be considered an unimpeded footpath. Accordingly, there may not be space for pedestrians to pass one another when travelling in opposite directions. This would be a particular concern for people using mobility aids or with a pushchair.

16. As the appeal site is close to a Metrolink station and a supermarket, within what appears to be a local centre, footfall is likely to be high. Furthermore, people waiting at the nearby bus stop would also cause an obstruction to pedestrians using the footpath. Consequently, it is likely that pedestrians would come into conflict with other pedestrians or the street furniture, particularly during busy periods of the day. This would lead to people walking across the private land immediately next to the supermarket. However, if access to that land was blocked, not only would it significantly increase the chances of conflict, but it may lead to pedestrians temporarily stepping into the road to avoid obstructions. As such, the proposed siting of the advertisement and Street Hub would have a harmful effect on highway safety, as it could cause conflict between pedestrians and vehicles on what appears to be an arterial route.

17. The proposal may be in accordance with some aspects of the guidance within Manual for Streets and Inclusive Mobility, guidance issued by Transport for London and the recommendations of the Disability Discrimination Act. Nonetheless, this is guidance only and is not determinative. For the reasons given above, the specific site circumstances would lead to the proposal being harmful to highway safety.

18. Due to the road layout, the siting of the proposed Street Hub and advertisement would not harmfully affect the visibility of drivers approaching the junction between Stanley Road and Bury New Road. Even if the traffic lights were not working, there would be sufficient visibility for drivers to exit Stanley Road safely.

19. On balance, with respect to Appeal A, the proposed development would have a harmful effect on highway safety. It would be contrary to UDP policies EN1/2, EN1/4 and EN1/9 and PFE policies JP-P1, JP-C5 and JP-C6. These policies indicate that the Council will seek to ensure that the siting of street furniture does not detract from highway safety, and streets will follow a Streets for All approach by maximising the ability of pedestrians to navigate safely, amongst other matters. Moreover, the proposed development would be contrary to the Framework where it advises that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

20. Similarly, with respect to Appeal B, the proposed advertisement would be harmful to public safety. Although not determinative, the proposed advertisement would be contrary to UDP Policy EN1/9 where it indicates that the Council will have particular regard to the effect of the advertisement on the safe use of any form of transport, including the safety of pedestrians.

Other Matters

21. The appellant has indicated that the proposal would comply with several local plan policies. This is not disputed. However, the proposal would be contrary to the policies identified above. Therefore, it would be contrary to the development plan when read as a whole.

22. The proposal would generate numerous benefits including the expansion of the electronic communication network which in turn could create conditions in which businesses can expand. The proposed Street Hub would also include sensors which can monitor air, sound, and light. The data generated could assist the Council when making decisions. Furthermore, BT offer free advertisements to small businesses and the Council. The provision of these advertisements as well as enhanced 5G coverage could promote the long term vitality of the local centre. The replacement of the telephone box with the proposed Street Hub would help reduce greenhouse gas emissions, as the Street Hub would run on renewable energy. The proposal would also support the Government's Industrial Strategy which identifies digital and technology businesses as a priority sector for support and growth.

23. The telephone box which is proposed to be removed is located within All Saints Conservation Area (ASCA). The significance of ASCA in part relates to the historic development of the area. Many of the buildings are of a design or retain features which indicate that they were constructed during the Georgian and Victorian periods. There are many buildings of note which have a positive effect on ASCA, including 8 Whitefield which is in proximity to the telephone box. The removal of the telephone box would reduce visual clutter around the junction between the access road to the Metrolink Station and Bury New Road. As such, the street furniture would provide less of a visual distraction and could allow the nearby historic buildings to be better appreciated.

24. Consequently, the removal of the telephone box would enhance the appearance of ASCA. The proposal would comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I attached considerable weight and importance to this as a benefit of the proposal.

25. Notwithstanding this, I ascribe substantial weight to the harm that would be caused by the proposal. Of particular concern is the effect of the proposal on highway safety. Given the high footfall in the area and the road appearing to be an arterial route, I have significant concern regarding the potential conflict between pedestrians and vehicles. Accordingly, the benefits of the proposal as a whole would not outweigh the identified harm.

26. I acknowledge the appellant's comments in relation to the conduct of the Council during the determination of the planning application. However, these are matters between the appellant and the Council and it is not a matter for my consideration on the acceptability of the appeal proposal.

Conclusion

27. With regard to Appeal A, the proposed development conflicts with the development plan, when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

28. With regard to Appeal B, the proposed advertisement would have a harmful effect on amenity and public safety. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR