



Appeal Decisions

Site visit made on 9 December 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2026

Appeal A Ref: APP/M0655/W/25/3373803

Footpath Outside MKM Building Supplies, Winwick Road, Warrington WA2 8HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by BT Group PLC against the decision of Warrington Borough Council.
 - The application reference is 2025/00774/FUL.
 - The development proposed is Installation of 1No. BT Hub Unit and associated advertisement panels on either side of unit.
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Appeal B Ref: APP/M0655/H/25/3373804

Footpath Outside MKM Building Supplies, Winwick Road, Warrington WA2 8HQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
 - The appeal is made by BT Group PLC against the decision of Warrington Borough Council.
 - The application reference is 2025/00770/ADV.
 - The development proposed is Installation of 1No. BT Hub Unit and associated advertisement panels on either side of unit.
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Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. There are two appeals on this site, one against the refusal of planning permission and the other against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. To avoid repetition, while considering each on its merits, I have dealt with both in a single decision letter.
3. In respect of Appeal B, the Regulations require that decisions are made only in the interest of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of Appeal B.

Main Issues

4. The main issues in respect of Appeal A are the effect of the proposed development upon (a) highway safety, and (b) the character and appearance of the area. The main issues in respect of Appeal B are the effect of the proposed advertisement upon (a) public safety and (b) amenity.

Reasons

Highway and public safety

5. The appeal site comprises part of a shared cycle/footway to the west of Winwick Road (the A49), the northbound route of which, has a dual carriageway at this point. To the north is a junction providing access to, and egress from a commercial trading/retail estate. This junction connects to the northbound carriageway of Winwick Road only. It is only possible to enter this junction from the south and leave it in a northerly direction. However, a right turn lane off the northbound carriageway of Winwick Road is available immediately beyond this junction, providing access to Ireland Street.
6. In order to maintain highway safety, adequate visibility is required for all users of Winwick Road and this junction to the north. Given the proximity of the proposed installation to this junction, its width and height, and its position at the edge of the footway, it has the potential to impede sightlines.
7. The appellant contends that the proposal would be set back sufficiently, and an illustration has been provided showing the position of the proposed installation outside of a 2.4m x 43m visibility splay. However, while the original consultation response from the Local Highway Authority (LHA) referred to a visibility splay requirement of 2.4m x 43m, their appeal submissions indicate that a 2.4m x 43m visibility splay is based on the stopping sight distance (SSD) for a 30mph speed as set out within Manual for Streets¹ (MfS), while evidence is presented to show that Winwick Road is subject to a 40mph speed limit where it passes the appeal site.
8. MfS focuses on lightly trafficked residential streets and its guidance for SSD's extends to 85th percentile speeds up to 37mph only. The A49 cannot be described as a lightly trafficked residential street, and I have been provided with no substantive evidence that 85th percentile speeds are at 30mph. As such, it has not been demonstrated that a visibility splay of 2.4m x 43m would be appropriate at this location.
9. MfS indicates that at higher speeds, the recommended SSD's in the Design Manual for Roads and Bridges² (DMRB) may be more appropriate. Based on DMRB, the LHA indicates that the required visibility splay for 40mph speeds should be 2.4m x 120m. Based on observation only, the LHA considers that actual speeds along Winwick Road may be higher than 40mph. Nevertheless, I have been provided with no evidence that a visibility splay of 120m or thereabouts, could be met.
10. Therefore, I am unable to conclude that the proposed installation would maintain adequate visibility for users of this junction. Consequently, the proposal would harm highway and public safety.
11. My attention has been drawn to an advertisement consented at the nearby bus stop to the south. This existing advertisement is positioned further away from the junction than the appeal site, and from my own observations, it appeared to be set further back from the edge of the footway than the proposal. As such, it would not impact on visibility in the same way as the appeal scheme, and so it does not justify the proposal.

¹ Manual for Streets, Department for Transport, First published 2007.

² Design Manual for Roads and Bridges, Highways Agency, 1992

12. Turning to the matter of driver distraction, all advertisements are intended to attract attention. The proposal would be located close to a junction, as well as a right turn lane, and bus stops. There will be vehicles changing speeds, changing lanes, and vehicles emerging from the junction, as well as the crossing of cyclists and pedestrians. Nevertheless, the road is straight and the highway layout is not overly complex. The available information relating to historical collision data does not suggest a high incident rate in this immediate location and the LHA accepts that the adjacent priority junction has an acceptable safety record. These factors do not suggest that this location demands a higher level of driver attention than would normally be required.
13. I have no reason to consider that the proposed advertisements would be particularly unusual. Conditions could be imposed to control brightness/glare, the frequency of changes to the display, or moving elements, which could otherwise distract drivers.
14. The proposed installation would sit between the consented advertisement at the bus shelter and a number of large totem style advertisements at the entrance to the trading/retail estate. While I accept that not all of these advertisements are within the highway, they still provide the potential for driver distraction. The appeal scheme would not be dissimilar to these existing advertisements in terms of any potential for driver distraction, and so, I am not convinced that in this respect, the proposed installation would harm highway and public safety.
15. The Council's Officer Report states that the shared cycle/footway requires a minimum width of 3m. I note that at the point of the appeal site, the shared cycle/footway is wide, and it is notably wider than where it passes the bus shelter further south. While it is closer to the junction than the bus shelter, it is not an obvious point at which pedestrians or cyclists would choose to cross the road. Dropped kerbs are provided further north for this purpose. It remains a straight section of footway and so I am not convinced that it would be in an area where cyclists would change direction. I see no reason why the retained width of 3.9m would not be sufficient to allow all users to pass the proposed installation, even when others have stopped to access the hub's facilities.
16. While parking on Winwick Road would not be appropriate for maintenance and cleaning purposes, I see no reason why those undertaking such tasks could not park on the nearby trading/retail estate and walk to the installation.
17. Nevertheless, the proposed installation would harm highway and public safety given my conclusions relating to visibility. For the proposed development under Appeal A, there would be conflict with policies INF3 and DC6 of the Warrington Local Plan 2021/22-2038/39 (Adopted 2023) (LP), which collectively require that for this type of development, there is no unacceptable harm to the satisfactory functioning of the highway, or unacceptable conditions for future users. Having taken these policies into account for the proposed advertisement under Appeal B, as I have concluded that the proposal would harm public safety, the proposed advertisement conflicts with these policies also.

Character, appearance and amenity

18. At this location, Winwick Road is a wide and busy route, and as a result, it forms a dominant characteristic of the area, along with the large-scale commercial uses that flank either side of the road. Street furniture includes lighting columns, road

signage, utility cabinets, and bus shelters. Given the commercial nature of the area, advertisements are numerous, including freestanding totem poles.

19. Albeit slimline, at almost 3m in height, the proposed installation would be a substantial, boxy feature. Given its size, proximity to the edge of the footway, and illuminated advertisement display, it would appear prominent, drawing the eye. Nevertheless, this commercial setting is not a sensitive one, and it would be seen with other advertisements of similar or larger proportions. The wide footway and carriageway provide a sense of space sufficient to accommodate the structure, and the degree of separation provided between the proposal and other advertisements/street furniture, would ensure that the proposal would not result in an unacceptable level of visual clutter. As such, in this setting, the appeal scheme would not appear incongruous, and while prominent, it would not be overly dominant.
20. For these reasons, I conclude that the proposal would not harm the character, appearance, or amenity of the area. For the proposed development under Appeal A, I find no conflict with LP policies INF3 and DC6, which collectively require that new development respects, sustains and makes a positive contribution to local character and distinctiveness, having regard to scale, height and massing, while avoiding unnecessary street clutter. Having taken these policies into account for the proposed advertisement under Appeal B, as I have concluded that the proposal would not harm amenity, the proposed advertisement does not conflict with these policies either.

Other Matters

21. In relation to Appeal B for advertisement consent, the Regulations require that decisions are made only in the interest of amenity and public safety. In relation to Appeal A for planning permission, Paragraph 119 of the National Planning Policy Framework (the Framework) recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.
22. The proposed installation would provide ultrafast public and encrypted wi-fi, access to public services, multiple accessibility options, secure power-only USB ports for rapid device charging, free phone calls, a direct emergency call button, community and emergency awareness messaging, and improved 4G and 5G coverage to local communities through the installation of small cell mobile connectivity. The proposed installation would therefore support the Government's aim of improving digital infrastructure.
23. Additionally, the proposal would be powered by 100% renewable carbon-free energy, it would provide some indirect lighting, it would contain environmental sensors to measure air quality, noise and traffic, and it would provide 876 hours of free advertising to the Council to promote community services such as foodbanks, health, social care and leisure activities. My attention is also drawn to the economic benefits of local advertising by small businesses.
24. I am advised that if allowed, the installation would result in the removal of an existing phone box at 60 Longford Street in Warrington, which the appellant considers would be an improvement in terms of street clutter. This would be a

further, albeit small benefit of the proposal. These benefits carry weight in favour of the proposed development, and I will return to this matter below.

25. The need for the proposed installation has been questioned. Paragraph 123 of the Framework states that local planning authorities should not question the need for an electronic communications system. The Planning Practice Guidance is clear that consent for adverts cannot be refused because the local planning authority considers the advertisement to be unnecessary.
26. I have been referred to a number of other appeal decisions for similar installations. However, I have been provided with limited information in respect of these other decisions, sufficient to make any meaningful comparisons. In any event, matters of character, appearance and amenity, as well as highway and public safety, require a planning judgement based on the site-specific circumstances in each case.
27. An interested party has expressed a range of concerns including: human health, wildlife, privacy, anti-social behaviour, and energy use, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal, which I have dealt with in the assessment above. While I can understand the concerns of interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Planning Balance and Conclusion

28. With regards to Appeal A, the proposed development would not harm the character or appearance of the area, but it would harm highway safety. While there would be some benefits, the same or similar benefits could be provided by siting the appeal scheme more sensitively in relation to highway safety. This limits the weight I afford to these benefits.
29. When taken together, the aforementioned benefits do not outweigh the harm I have identified in relation to highway safety. Appeal A therefore conflicts with the development plan when taken as a whole, and there are no other material considerations, including the Framework, which suggest that a decision should be made other than in accordance with the development plan.
30. With regards to Appeal B, while the proposed advertisement would not harm amenity, it would harm public safety. As the Regulations require that decisions are made only in the interest of amenity and public safety, many of the proposed benefits put forward by the appellant cannot be taken into consideration. Public emergency or other messages would be beneficial to public safety, albeit this would not be sufficient to outweigh the identified harm.
31. For these reasons, Appeal A and Appeal B are both dismissed.

S Brook

INSPECTOR