



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: 4 November 2025

Appeal A Ref: APP/B4215/W/25/3369377

Footpath outside 527 Wilbraham Road, Chorlton-cum-Hardy, Manchester M21 0UF

- 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 142693/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/25/3369378

Footpath Outside 527 Wilbraham Road, Chorlton-cum-Hardy, Manchester M21 0UF

- 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 142694/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 dismissed.
2. Appeal B is dismissed.

Preliminary Matters

2. 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.
3. 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.
4. An initial site visit was made on 13 October 2025. A follow-up site visit was undertaken on 27 October 2025.

Main Issues

5. The main issues in respect of Appeal A are the effect of the proposal on:
 - the character and appearance of the area;
 - the movement of pedestrians; and

- highway and pedestrian safety.
6. 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

7. The appeal relates to a section of pavement on the southern side of Wilbraham Road (A6010). The adjacent properties directly to the south, as well as the properties to the north on the opposite side of the highway, comprise of three-storey buildings with a range of commercial uses at ground floor.
8. Within the immediate vicinity there are various items of existing street furniture on the appeal site's side of Wilbraham Road, including street trees, road signs, lighting columns, a bus stop, a bin and an existing payphone kiosk. The presence of street furniture is therefore an established characteristic on this section of the pavement, as well as within the wider area in general.
9. Additionally, due to the commercial character of the immediate surroundings I observed various fascia signs, projecting signs and window adverts on nearby premises. Furthermore, a large, freestanding totem sign for the petrol station situated to the northwest, on the opposite side of the highway, is also prominently visible from the site.
10. The appeal proposal seeks to erect a street hub unit with advertisement panels on either side. The proposed installation would be an upstanding rectangular structure and would replace the existing payphone 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 details that two additional phone boxes, at 167 Clarendon Road and 3 Cavendish Terrace, would also be removed. The box at 3 Cavendish Terrace is however situated further down Wilbraham Road, on the opposite side of the road and therefore on a different footway. As such I find it to be visually unrelated to the appeal site.
12. Furthermore, I note that Clarendon Road is located even further away from the appeal site and in any case the Council suggest that this phone box has already been removed. Consequently, the potential benefits of the removal of these two additional kiosks have not factored into my determination of this appeal.
13. Nonetheless, the existing kiosk to be removed and replaced on the appeal site has a bulky appearance and contains graffiti. In its present state this item of street furniture looks unattractive, and its removal would visually benefit the street scene.
14. That said, the replacement hub would be wider and taller which would increase its prominence in comparison to the existing kiosk to be removed. Nevertheless, I find the hub's simple, modern design would be compatible with the nearby commercial uses, and it would not represent a visually intrusive or incongruous feature within

this street scene, either on its own or in combination with other nearby street furniture.

15. As such, in this case the increase in height and prominence resulting from the proposal in comparison to the existing kiosk would not be such that it would lead to harm to the character and appearance of the area.
16. Moreover, the removal of the existing kiosk, which has a larger footprint than the slim and modern designed hub, would ensure that the proposal does not result in an increase in street clutter outside this parade of shops. Consequently, I find the overall visual impact of the proposed hub on the character and appearance of the area would be similar to that of the existing kiosk, the removal of which could be secured by a planning condition.
17. Additionally, given the number of adverts I observed in this commercial setting, including the large totem sign at the nearby petrol station, subject to conditions to control the images displayed and illumination levels, I can see no harm to visual amenity arising from the size, position and method of illumination of the advertisements on the hub.
18. For the reasons given above, I conclude that the proposal would not cause harm to the character, appearance and visual amenity of the area within this predominantly commercial context. 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.
19. 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.

Movement of pedestrians

20. The Council's evidence comments that the proposed hub would be sited on a section of pavement measuring 6m wide. However, it also asserts that the adopted section of this pavement measures 2.9m wide, with the remainder being unadopted. As such, the Council state that once installed the hub would leave approx. 1.1m of adopted pavement available for pedestrian movements.
21. The appellant's submission does not dispute the Council's evidence in respect of the width of the pavement; the amount that is adopted; or the width of the adopted section that would remain once the hub has been installed. Instead, the appellant states that it is commonplace that private land, such as in this instance, forms part of the public footpath, whereby the landowner has a legal obligation to keep this area obstruction free and useable to members of the public. The appellant

therefore contends that the entire width of the pavement would be useable for pedestrians.

22. Whilst noting the appellant's comments on this matter, I have not been provided with any evidence to demonstrate that the unadopted sections of this pavement must be kept clear of any obstruction to allow public access in perpetuity. Furthermore, there is nothing before me to demonstrate that the existing use of the unadopted sections of the footway by pedestrians is anything more than an informal arrangement which could cease, resulting in pedestrians being restricted to moving on the adopted section of the pavement only in the future. Moreover, the submitted plans do not annotate or identify the adopted and unadopted areas of this pavement.
23. As such, based on the information that is before me, I cannot but conclude that the available space for pedestrians on the public section of the pavement would measure approximately 1.1m in width once the proposed hub has been installed.
24. In this regard, both the Council's Highway Service and Transport for Greater Manchester (TFGM) have stated that a 2m wide footway would need to be retained to ensure pedestrian movements are unimpeded. My attention has also been drawn to the inclusive mobility guidance document¹ (IMGD) which is a material consideration.
25. Paragraph 4.2 of the IMGD 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.
26. As detailed, from the evidence before me, the proposal would result in an adopted pavement width of approx. 1.1m adjacent to the proposed hub. This therefore falls significantly below the 2m guidance contained within the IMGD. Furthermore, it also falls below the 1.5m quoted for where there are physical constraints.
27. I note that this width would exceed the absolute minimum footway width of 1m detailed within the IMGD and the narrow depth of the proposed installation means the restricted footway width of 1.1m would be for a very short length. Nevertheless, this guidance document states that footpaths should be as wide as possible and the quoted footway width of 1m is the absolute minimum requirement. It is therefore a matter of planning judgement as to whether, in this case, an adopted footway width of 1.1m would be acceptable.
28. During my visits, in the afternoon on a weekday, I observed that this section of pavement was busy. I saw pedestrians frequently walking directly past the appeal site in both directions on foot, as well as people in wheelchairs or pushing buggies. Furthermore, given the location outside a parade of shops, as well as other commercial properties in the wider area, I also noted people were often carrying shopping bags or pushing personal shopping trolleys.

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

29. As detailed, there is no evidence before me to indicate that the unadopted sections of footway would be retained for public use in perpetuity. Therefore, should the useable space for footway users be reduced to 1.1m, it is likely that people travelling in opposite directions would have to pause, give way or wait in order to pass the hub. This would be particularly more difficult when people are traveling in groups; for pedestrians with trolleys, buggies and/or a disability; or those carrying shopping bags.
30. As such, based on my observations on site, I find that the provision of a section of adopted footway measuring 1.1m wide, regardless of how short this section would be, would negatively impact upon the pedestrian environment. The proposal would also have an obstructive effect on this part of the pavement and would diminish the existing movement function of the public realm. Consequently, I find the proposal would not allow for the convenient passage of all potential users and would undermine the function of this part of the footway.
31. In reaching this view I am aware that the hub would replace an existing telephone box. However, the submitted plan shows that the proposed hub would be wider than this existing feature and thus it would result in a narrower section of adopted footway than what currently exists. The reduction in the width of the adopted pavement would therefore result in the proposed hub having a more harmful impact upon the pedestrian environment than the existing box.
32. In view of all the above, and on the evidence that is before me, I conclude that the siting of the proposed hub would have a harmful impact upon the pedestrian environment and pedestrian movements along this busy pavement. The proposal therefore conflicts with CS Policies T1, SP1 and DM1, where they together seek to ensure, amongst other things, that development is appropriately sited; considers the needs of all members of the community; and improves pedestrian routes and the pedestrian environment.
33. The proposal would also fail to adhere to the principle of achieving ease of movement as detailed within the SPD, which requires street furniture to be positioned to avoid obstacles, and be contrary to the provisions of the Framework where it seeks to ensure suitable access for all users.

Highway, pedestrian and public safety

34. The existing phone box to be removed has a solid appearance when viewed from the pavement, including views from the adjacent bus stop. As such, this existing feature already partially obscures views between pedestrians and road users along this section of Wilbraham Road.
35. Whilst the hub would be taller than this existing kiosk, I do not find that the additional height would have any greater impact upon visibility given that the top of the existing kiosk is already above eye level. In terms of the increased width, the hub would not be sited any closer to the edge of the carriageway and therefore the level of visibility between pedestrians and road users at the edge of the carriageway, including pedestrians at the adjacent bus stop, would not be unduly impacted by the proposal.
36. I therefore find that the proposed hub would not have a harmful impact upon highway, pedestrian and public safety by way of restricting visibility between pedestrians, cyclists and road users in this location. In this specific regard the

proposal would not conflict with CS Policies T1, DM1 and SP1, where they together seek to ensure, amongst other things, that development has regard to road and community safety. The proposal also 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, and the provisions of the SPD where it seeks to ensure safety for users.

37. 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

38. 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.
39. 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.
40. 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.
41. 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.
42. 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.

Planning Balance

43. I have had due regard to the benefits of the proposal. In respect of Appeal A, paragraph 119 of the Framework states that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. The Framework also seeks to support the expansion of electronic communication networks. The hub would therefore support the Government's aim of improving digital infrastructure.

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

44. The proposal would include 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 environmental sensors to measure air quality, noise and traffic. The hub would also provide improved 5G coverage to local communities through the installation of small cell mobile connectivity providing faster and more reliable connection for calls and internet access, as well as free screen time for council advertising.
45. The hub would provide some indirect lighting and be powered by 100% renewable carbon-free energy, which is an environmental benefit. I also note the appellant's view that the proposed unit could assist in encouraging shoppers to return to the town centre.
46. Nevertheless, when taken together, I find that all the above-mentioned benefits do not outweigh the harm I have identified that the proposal would have upon pedestrian movements, and the pedestrian environment, along this busy pavement.
47. In respect of Appeal B, the Regulations require that decisions are made only in the interest of amenity and public safety. As such, most of the proposed benefits put forward by the appellant cannot be taken into consideration in my decision for Appeal B. Nonetheless, even in a scenario whereby I accepted that use of the advertisement to display emergency messages and public messaging campaigns was a public safety matter relevant to the control of advertisements, the benefits derived from it would not overcome the harm I have identified to the amenity of pedestrians.

Conclusion

48. I conclude that the appeal proposal would not have a harmful impact upon the character, appearance and visual amenity of the area, and would not cause harm to highway and public safety. However, the proposal would cause harm to amenity by way of negatively impacting upon pedestrian movements and the pedestrian environment.
49. Appeal A therefore conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made other than in accordance with the development plan. Appeal B would harm amenity.
50. Therefore, for the reasons given, both Appeal A and Appeal B are dismissed.

R. Major

INSPECTOR