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## Appeal Decisions

Site visit made on 27 October 2025

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

an Inspector appointed by the Secretary of State

**Decision date: 13<sup>th</sup> November 2025**

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### **Appeal A Ref: APP/B4215/W/25/3369503**

#### **Footpath outside 15 Oldham Road, Greater Manchester M4 5EQ**

- 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 142705/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.

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### **Appeal B Ref: APP/B4215/H/25/3369504**

#### **Footpath outside 15 Oldham Road, Greater Manchester M4 5EQ**

- 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 142706/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.

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## **Decision**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

## **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. The appeal site is located within the setting of the Grade II Listed Buildings known as the Former Midland Bank and the Crown and Kettle Public House. In determining Appeal A I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), to have special regard to the desirability of preserving the setting of these listed buildings, and any features of special architectural and historic interest which they possess.
6. An initial site visit was made on 13 October 2025. A follow-up site visit was undertaken on 27 October 2025.

## Main Issues

7. The main issues in respect of Appeal A are the effect of the proposal on:
  - the character and appearance of the area, including its effect upon nearby listed buildings and conservation areas; and
  - highway and pedestrian safety.
8. 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*

#### *Character, appearance and significance of heritage assets*

9. The appeal relates to a wide section of pavement located to the northwest of the busy junction of Oldham Road, Swan Street and Great Ancoats Street, at the northern end of Manchester's Northern Quarter. The site is situated along one of the City's major radial and circulatory routes, and is within a predominantly commercial setting, consisting of a range of food and drink establishments, offices, and car parks, as well as residential apartments.
10. There are various items of existing street furniture within the immediate vicinity of the appeal site, including lighting columns, a CCTV column, bins, street cabinets, railings, bollards, and columns housing pedestrian crossing signal boxes. The presence of street furniture is therefore an established characteristic of this area, and I found the balance between the proliferation of items on the pavement and a clear and welcoming area for pedestrians to be delicately poised.
11. Additionally, due to the largely commercial character of the area I observed various signs and adverts on nearby buildings, and directly adjacent to the appeal site is a large LED advertising display, set at the back of the pavement.
12. Immediately to the southwest of the appeal site is the Former Midland Bank at 2 – 4 Swan Street, which is a Grade II Listed Building. This listed building occupies a prominent location at the corner of the junction and is visible from long distances along both Great Ancoats Street and Oldham Road. Its visual prominence is accentuated through its Portland Stone finish which stands out amongst the surrounding building materials. These long views along these busy highways positively contribute to this listed building's setting.
13. Furthermore, this listed building has a distinctive curved front façade, with round headed windows, in a regular arrangement, at ground floor-level. At first floor level the windows are square headed, with decorative stonework features above, and its roof is concealed behind a balustrade parapet. These are features of architectural interest and collectively contribute to, as does the building's visual prominence on the street scene, the significance of this designated heritage asset.
14. To the southeast, on the opposite corner of Oldham Road and Great Ancoats Street, is the Grade II Listed Building of the Crown and Kettle Public House. This hipped roof property has a buff brick finish with stone dressings. Whilst two-storey in height the building has very tall ground floor windows which include gothic tracery and linked hoodmoulds above. These features of architectural interest

contribute to the significance of this listed building. However, due to the street layout, I observed that views of this listed building are somewhat limited to its immediate locality.

15. The appeal site is not located within a conservation area, however the boundaries of the Smithfield Conservation Area (SCA), Stevenson Square Conservation Area (SSCA) and Ancoats Conservation Area (ACA) all lie immediately adjacent to the appeal site. The SCA and SSCA are situated on the other side of Swan Street and Great Ancoats Street, with the ACA positioned on the other side of Oldham Road. These are relatively large conservation areas consisting of buildings of varying use, scale, form and character. I found that the significance of these CAs in-part derives from their reflection of the prosperity, evolution and industrial success of the city of Manchester.

*Effect of the proposal*

16. 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 house features that provide free Wi-Fi, free UK calls, USB charging, access to emergency services and other facilities.
17. The proposed hub would be relatively utilitarian in its appearance and through a combination of both its height and width would represent a visually intrusive and bulky addition to this section of the footway in comparison to other existing items of street furniture in the immediate vicinity, which are mainly of a slimmer design. Furthermore, it would add further visual clutter, making this busy pedestrian route a less pleasing place to walk, and its siting close to the edge of the carriageway would only exacerbate its visual prominence and dominance at this busy junction.
18. I therefore find that the proposal would be visually detrimental to this section of the pavement and would cause harm to the character, appearance and visual amenity of the immediate surrounding area.
19. The proposed hub would also be prominently sited in front of the adjacent listed Former Midland Bank building, especially when viewed from Oldham Road and Great Ancoats Street, which both afford long, straight views of this listed building and its distinguishing curved frontage. The siting of the proposal would therefore affect this listed building's significance through its setting. Paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation.
20. I find the above mentioned bulky and utilitarian appearance of the hub would not be in keeping with the traditional form and design of this listed building and would introduce an incongruous feature within its setting. Additionally, as a result of its siting in front of this listed building the proposal would impede and dominate views of its distinctive, curved front elevation, as well as obscure and disrupt views from Oldham Road of its defining round-headed ground floor windows. Furthermore, I find the frequently changing digital advertisement images on the hub would compete with the visual prominence of this listed building on the street scene.
21. The proposal would therefore harm the setting of this listed building, and features of architectural interest which contribute to its significance. Paragraph 213 of the

Framework states that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification.

22. In this regard, I note the appellant refers to the removal of 2no. kiosks outside no.30 High Street. The Council however state these kiosks have already been removed and this has not been disputed by the appellant. Furthermore, at the time of my visit there appeared to be no kiosks in the location shown on the photographs provided within the appellant's submission.
23. In any case, this location on High Street is not visible from the appeal site and is therefore visually unrelated to it. The above matters therefore limit the weight I can attribute to the removal of these phone kiosks at High Street in favour of the appeal proposal's effect on the immediate surrounding area and the setting of the listed building.
24. The appellant has drawn my attention to the large, digitised advertisement directly adjacent to the appeal site, which was allowed at appeal<sup>1</sup>. This existing advert is however set at the back of the pavement and does not obscure views of this listed building from Oldham Road. I find its siting is therefore not comparable to the appeal proposal which seeks to install a hub on the section of pavement to the front of this listed building.
25. Additionally, when allowing that appeal I note the previous Inspector's decision specifically states that "*...its relationship to the road means it would not be readily appreciated when approaching the city centre...*". I do not consider the same can be said of the scheme before me, as a result of its prominent siting close to the edge of the carriageway.
26. Moreover, it is clear from that decision letter that the permitted advert replaced an existing advertisement. With the Inspector commenting that its relationship with the listed building "*...would be notably improved...*" as a result of alterations to a fence which would provide a greater separation between the display panel and the listed building.
27. In the appeal before me however, the hub would introduce a new and additional feature to the street scene, which for the reasons given earlier, would cause harm to the setting of this listed building, as well as the character and appearance of the immediate surrounding area in general.
28. Furthermore, I also find the addition of the rotating digital images on the proposed hub, in conjunction with the rotating images on this existing advert, would result in cumulative visual harm from digital advertisements within the immediate locality, as both screens would be visible at the same time from various vantage points.
29. The appellant has also referred to hubs that have been approved by the Council close to the appeal site, outside 6 – 14 Great Ancoats Street and 61 Great Ancoats Street<sup>2</sup>, as well as other decisions<sup>3</sup> of the Council for hubs in commercial areas, and appeal decisions<sup>4</sup> from elsewhere in the UK.
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, and

<sup>1</sup> APP/B4215/H/13/2189817

<sup>2</sup> 136788/AOH/2023

<sup>3</sup> Council Ref: 136215/FO/23 and 136213/FO/2023

<sup>4</sup> APP/J2373/H/22/3305072; APP/N0590/Z/21/3287174; ADA-180-2016 and ADA-180-2017

designated heritage assets, 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, including any potential relationship those proposals shared with any nearby listed buildings.
32. Furthermore, in respect of the nearby hubs on Great Ancoats Street, I observed on site that these are located at the side of a straight section of the highway and their siting is therefore not comparable to the appeal proposal which would be prominently located on the corner of a busy junction. Additionally, I have also not been provided with any details of the existing hubs on Great Ancoats Street relationship with any adjacent listed buildings.
33. Consequently, the above referenced appeal decisions, and decisions of the Council, carry limited weight in my consideration of this main issue.
34. In view of the above, I do not find that the removal of the kiosks at High Street; the existence of the adjacent advertisement hoarding; and the various decisions referenced by the appellant, provide clear and convincing justification for the identified harm that would be caused to the significance of this designated heritage asset from the proposed development within its setting.
35. With regard to the proposal's impact upon the listed building at the Crown and Kettle Public House and the nearby CAs, I note that the Council expressed no concerns regarding the effect of the proposal on the significance of the CAs and setting of this listed building.
36. I nonetheless observed on site that the proposal would be visible from these nearby CAs, and this listed building. However, given the size of the proposed hub, and the separation distance created by it being located on the other side of the wide highway, I found that the proposal would not harm the significance and/or setting of the Crown and Kettle Public House. Furthermore, during my visit I saw similar hubs and digital displays within parts of these nearby CAs and the proposal would not therefore harm the significance of these CAs.
37. Consequently, I find that the proposal would have a neutral effect upon these nearby CAs and this particular listed building. The proposal would therefore preserve their significance as designated heritage assets.
38. Nevertheless, for the reasons given earlier, I conclude that the proposal would have an unacceptable impact upon the character and appearance of the immediate surrounding area and cause harm to visual amenity. Furthermore, the hub would cause harm to the significance and setting of the listed Former Midland Bank.

#### *Public benefits and conclusions*

39. In view of the above, I find the proposal would lead to less than substantial harm to the significance and setting of the Former Midland Bank listed building, with the level of harm being at the middle to lower end of that spectrum. Nevertheless, mindful of my statutory duty, I give this harm considerable importance and weight.

40. Paragraph 215 of the Framework requires that where a proposal would lead to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
41. 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.
42. 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.
43. 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 city centre.
44. When taken together, I find that all the above-mentioned public benefits attract moderate weight in favour of the appeal proposal. However, these public benefits do not outweigh the considerable importance I must attach to the designated heritage asset.
45. 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 visual amenity.
46. I therefore conclude on this main issue that the proposal would have an unacceptable impact on the character, appearance and visual amenity of the area. Furthermore, it would harm the significance and setting of the nearby listed Former Midland Bank building.
47. The proposal would therefore conflict with Policies DM1, EN1, EN3, CC9, SP1 and T1 of Manchester's Local Development Framework Core Strategy Development Plan Document (adopted 2012 and amended 2024) (CS), saved Policies E3.3, DC15 and DC19 of the Unitary Development Plan for the City of Manchester (1995) (UDP) and Policies JP-P1 and JP-P2 of the Places for Everyone Joint Development Plan (2024) (PfE). These policies together require 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; incorporates high quality in the design and finish of the public realm; improves the pedestrian environment; upgrades the appearance of major radial and orbital roads; preserves heritage assets, the historic environment and the setting of listed buildings; and that the heritage significance of a site is considered in accordance with national policy.

48. The proposal would also fail to satisfy the relevant sections of the Framework and, in respect of Appeal A, the requirements of the Act.

*Highway, pedestrian and public safety*

49. To the northeast of the appeal site is a signal-controlled pedestrian crossing point allowing pedestrians to cross Oldham Road. I observed that this crossing point was well used.
50. All vehicles travelling through this crossing point, on this side of Oldham Road, do so via Great Ancoats Road. Due to a combination of the curved nature of the highway, the road layout and the proposed hub's distance from this crossing point, I find that the proposal would not impede or obstruct pedestrians' views of vehicles on the carriageway as they use this crossing. Additionally, the siting of the hub would ensure that road users views of pedestrians using this crossing are also not obscured.
51. I acknowledge that the proposed hub would potentially obstruct views between some pedestrians and road users for a brief period as they approach this crossing point from the southwest. Nevertheless, based on my observations on site, given the perpendicular orientation of the hub to the carriageway and the curved nature of the road for approaching vehicles, as well as the distance between the proposed hub and the crossing point, I find there is sufficient time and distance for pedestrians and road users to both safely react before they reach the crossing point once visibility is restored.
52. Furthermore, given the distance between the proposed hub and the signal-controlled crossing to the southwest, as well as the road layout, I also find that the proposal would not unacceptably impact upon visibility between road users turning onto Swann Street from Oldham Road and pedestrians using this crossing point.
53. The Council has also commented that there is a large night-time economy in this area, and pedestrians may cross without use of the crossing point and under the influence of alcohol. Be that as it may, it is unclear how this proposed hub would create any more of a danger in this respect in comparison to other similar hubs I observed within the city. Furthermore, I have been provided with no evidence that other existing hubs elsewhere have caused a highway safety danger for the reason suggested by the Council.
54. In view of all the above, based on the information before me and my observations on site, I conclude that the proposal would not be harmful to highway, pedestrian and public safety. I therefore find no conflict with CS Policies T1, DM1 and SP1, UDP Policy DC15, and PfE Policy JP-P1, where they together seek to ensure, amongst other things, that development is safe and easy to move around; has regard to road and community safety; and would not be injurious to public 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.
55. 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.

## **Conclusion**

56. I conclude that the appeal proposal would not have a harmful impact upon highway, pedestrian or public safety. However, for the reasons given, I have concluded that the proposal would harm the significance and setting of the adjacent Former Midland Bank listed building, and would cause harm to the character, appearance and visual amenity of the area.
57. 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 visual amenity.
58. Therefore, for the reasons given, both Appeal A and Appeal B are dismissed.

*R Major*

INSPECTOR