



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: 5th December 2025

Appeal A Ref: APP/B4215/W/25/3369542

Footpath outside 100 Brownley Road, Wythenshawe, Manchester M22 8UD

- 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 142786/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/25/3369543

Footpath outside 100 Brownley Road, Wythenshawe, Manchester M22 8UD

- 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 142787/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

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 Building known as the Church of St Luke the Physician (Church of St Luke). 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 this listed building, and any features of special architectural and historic interest.
6. Whilst not included as a reason for refusal on the Council's decision notice, having regard to my statutory duty, the main parties were given the opportunity to comment

on the effect of the proposal on the setting of this listed building, and I have taken into account any comments raised.

Main Issues

7. Having regard to the reasons for refusal on the Council's decision notice, as well as my statutory duty under Section 66(1) of the Act, the main issues in respect of Appeal A are the effect of the proposal on:
 - the character and appearance of the area, and the listed building of the Church of St Luke; and
 - highway and pedestrian safety.
8. Whilst the Council's Decision notice for 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

Character, appearance and significance of the heritage asset

9. The appeal relates to a wide section of pavement on the western side of Brownley Road. The site is located within a predominately residential setting, with semi-detached dwellings located to the north. Directly to the west of the appeal site is a high-rise block of residential flats with a lawned garden and metal fence separating this tall building from the footway.
10. On the opposite side of Brownley Road is a more modern five-storey residential block, which is also set back from the pavement with a well-maintained garden area. To the north of this residential block is the grade II listed Church of St Luke, which is also set back from the highway, with open green areas either side.
11. This brown brick church appears to have been constructed during the interwar period and has a strong rectangular profile, with a concealed roof. To the front the church has a wide, hipped roof tower, with a floral design clock face, overlooking and dominating the predominantly two-storey residential character of the street scene to the north. On both sides this church's nave has 7 no. pairs of tall square-headed windows and to the front the church has a square-headed entrance doorway. I found these relatively modern and functional features within the building to be of architectural interest, and they collectively contribute to the significance of this designated heritage asset.
12. To the south of the appeal site is the highway junction of Brownley Road and Hollyhedge Road, with some large buildings fronting onto this junction, including the Manchester College Wythenshawe Campus building which is located on the far side of this junction. As such, taller buildings form part of the wider character of the area to the south, as well as the wider setting of the listed church.
13. Within the immediate vicinity of the appeal site the public realm is open and uncluttered, limited on this side of the pavement to a bus shelter, a lighting column and a bin further to the north, as well as another lighting column to the south. The

opposite side of the highway also contains a lighting column and some road signs, with a bus shelter further to the north. This limited amount of existing street furniture; the set back of the surrounding buildings; and the grassed areas and greenery, together all contribute to maintaining a spacious, verdant and somewhat subdued character and appearance along this section of Brownley Road. These same characteristics also make a positive contribution to the significance, and short to mid-range setting of the listed church.

14. Additionally, due to the largely residential character of the area I observed very few advertisements, with the exception of a paper advert at the bus shelter, a very modest freestanding sign close to the church entrance and an internal sign within the window of the college building on the far side of the junction to the south.

Effect of the proposal

15. The proposal would see the introduction of an upstanding rectangular street hub, with advertisement panels on either side. The hub would house features that provide free Wi-Fi, free UK calls, USB charging, access to emergency services and other facilities.
16. Whilst acknowledging some limited items of street furniture to the north and south of the appeal site, the proposed hub would be sited on a section of this pavement that is currently free of street furniture and advertisements. Due to a combination of its siting, height and width, the proposed freestanding hub, with its large digital advertisement panels on both sides, would represent a bulky, dominant and obtrusive feature in this location. It would also introduce visual clutter to the detriment of the existing open character of the street scene.
17. Additionally, the illuminated rotating digital adverts on the proposed hub would be a more strident and incongruous feature in comparison to the paper adverts displayed within the existing bus shelter located to the north.
18. Consequently, I find that the proposal would cause harm to the character, appearance and visual amenity of this area.
19. The proposal would also be prominently viewed within the short to mid-range setting of the Church of St Luke, which is currently defined by the open and spacious characteristics along this street. 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. Whilst acknowledging that the proposed hub would be situated on the opposite side of the road to this listed church, because of the open characteristics of the street scene, this church is prominently visible from views along the appeal site's side of the highway. As such, I find the siting and bulky design of the proposal would introduce a dominant and incongruous feature within its setting, and in particular when observed from the south the hub would compete with views of this listed building due to its siting in the foreground.
21. I also observed on site that as pedestrians travelling from the west come around the corner of Hollyhedge Road onto Brownley Road, the proposed hub would partially impede and block views of this listed church, and its features of architectural interest. Furthermore, the frequently changing digital advertisement

images would detract from the calm and subdued characteristics of the area, and setting of this listed building, given that adverts and digital displays are not a common feature.

22. I therefore find that the proposal would undermine the open and spacious character of the setting observed in close proximity to this listed church, as well as harming its features of architectural interest, which contribute to its significance as a designated heritage asset. 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.
23. To that end, I note the submission refers to the removal of 2no. kiosks outside Rowlandsway Civic Centre, and another kiosk on the grass verge close to Etrop Court. However, both these locations are not visible from the appeal site, and I therefore found them to be visually unrelated. This therefore limits the weight I attribute to the removal of these existing kiosks in favour of the appeal proposal's effect on the character and appearance of the area, and the setting of the listed church.
24. Both parties have drawn my attention to allowed and dismissed appeal decisions¹ for hubs and associated advertisements throughout the country. 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 designated heritage assets, are matters of planning judgement based on the site-specific circumstances and surroundings.
25. 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. These decisions therefore carry limited weight in my determination of this main issue.
26. Additionally, and for the reasons given earlier, I find the rotating digital adverts on the proposed hub would have a significantly more harmful impact upon the setting of this listed building than the paper adverts within the existing bus shelter situated to the north.
27. Consequently, I do not find that the removal of existing kiosks elsewhere; the existence of paper adverts at the bus shelter to the north; and the appeal decisions referenced by the appellant, provide clear and convincing justification for the harm that would be caused to the significance of this designated heritage asset from the proposed development within its setting.

Public benefits and conclusion on the designated heritage asset

28. In view of the above, I find the proposal would lead to less than substantial harm to the significance and setting of the listed building at the Church of St Luke, with the level of harm being at the lower end of that spectrum. Nevertheless, mindful of my statutory duty, I give this harm considerable importance and weight.
29. 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.

¹ APP/Z5630/H/3209488; APP/N5090/Z/22/3296138; APP/N5090/D/22/3296141 & APP/Z3636/W/25/3361981

30. 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.
31. 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.
32. 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.
33. 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.
34. 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 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.
35. 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 Church of St Luke.
36. The proposal would therefore conflict with Policies DM1, EN1, EN3 and SP1 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 Policy JP-P1 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; and preserves the historic environment and the setting of listed buildings. The proposal would also fail to satisfy the relevant sections of the Framework and, in respect of Appeal A, the requirements of the Act.
37. 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 harm visual amenity for the reasons detailed above, I therefore conclude it would also conflict with this guidance.

Highway, pedestrian and public safety

38. To the north of the appeal site is a bus stop and shelter. The submitted plans do not annotate the location of this bus stop and neither party has provided details in respect of the distance between the proposed hub and the bus stop. As such, my assessment of the relationship between the proposal and this bus stop, and its users, is based on my observations on site.
39. When travelling north along Brownley Road, approaching from the junction to the south, the proposed hub and advertisements would be viewed before reaching the bus stop. Due to a number of factors, including the set back of the installation from the kerb of the carriageway; the distance between the proposed hub and the bus stop; and the straight and flat nature of this section of the highway, I find that the proposal would not distract or confuse road users as they approach this bus stop.
40. In terms of visibility between bus drivers and bus users at this shelter, I consider it likely that a bus drivers' view of people at the bus stop, depending on where they are positioned within the bus shelter, could be impeded at some stage as they approach along Brownley Road.
41. However, based on my observations on site, I consider that because of the straight nature of the road and the set back of the hub on the pavement, any obscured view a driver may have of people in the bus shelter would be whilst the bus is a significant distance away from this stop. Consequently, I find there would be sufficient time and distance for a bus to stop once the driver has visibility of all users within this bus shelter.
42. Additionally, given the size of a bus, I consider that the hub, as a result of its distance from the bus shelter, would not result in people waiting at the bus stop not being able to see an approaching bus from a reasonable distance away.
43. In view of all the above, based on the information before me and my observations on site, I find that the proposal would not cause a distraction to road users and would not unacceptably impact upon sightlines between road users and people waiting at the bus stop.
44. I therefore conclude that the proposal would not be harmful to highway, pedestrian and public safety and complies with CS Policies 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.
45. 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

46. I note the Council's reasons for refusal in respect of the proposed hub refer 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.

47. From my observations on site and the information that is before me, 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.

Conclusion

48. 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 listed building of the Church of St Luke, and would cause harm to the character, appearance and visual amenity of the area.
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 visual amenity.
50. Therefore, for the reasons given, both Appeal A and Appeal B are dismissed.

R Major

INSPECTOR