



Appeal Decisions

Site visits made on 29 September 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/25/3369512

Footpath outside 335 Hollinwood Avenue, Manchester M40 0JA

- 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 142707/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/25/3369513

Footpath outside 335 Hollinwood Avenue, Manchester M40 0JA

- 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 142708/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.

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; 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 located on the southern side of the busy highway of Hollinwood Avenue (A6104). The site is located within a local centre and a predominantly commercial setting. Adjacent properties comprise of two-storey buildings with commercial use at ground floor and according to the submitted evidence residential use above. To the west is Moston train station and on the opposite side of Hollinwood Avenue is a further row of commercial properties.
8. On this side of Hollinwood Avenue there are various items of existing street furniture within the immediate vicinity of the appeal site, including bollards, bins, a telecommunications mast with associated cabinets, lighting columns, traffic lights and sections of metal safety railings separating the highway from the footway. On the opposite side of the highway are similar items of street furniture, as well as an existing payphone kiosk. The presence of street furniture is therefore an established characteristic on this section of the pavement and within the wider area in general.
9. Additionally, due to the commercial character of the area I observed various signs and adverts. Nearby shops have a variety of fascia signs, projecting signs, window adverts and freestanding A-board signs on the footway. There is also a nearby freestanding sign for the train station, as well as timetable boards, and to the west is a large double sided advertisement billboard, on the opposite side of the highway.
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 be positioned to the west of the existing telecommunications mast and cabinets. The hub would house features that provide free Wi-Fi, free UK calls, USB charging, access to emergency services and other facilities.
11. Considering the commercial site context, as well as other existing items of street furniture in this area, the siting and appearance of the proposed installation would be broadly in keeping with its surroundings. Its simple, modern design would be compatible with the nearby commercial uses, and I find that the proposal would not represent a stark, visually intrusive or incongruous item, either on its own or in combination with other nearby street furniture. It would not adversely affect its immediate surroundings or unacceptably obstruct vistas along this highway.
12. In coming to this view I acknowledge that the hub would be taller than some of the existing items of street furniture on this section of the pavement. Nevertheless, there are nearby items of street furniture that would be taller than the hub, such as lighting columns and the mast. Thus, I do not find its height would be dominant and out of keeping with its surroundings. In addition, as mentioned, I also observed a nearby large, billboard advertisement which is prominently viewed from the appeal site. This nearby advertisement is substantially larger than the proposed hub.
13. I also acknowledge that the addition of the hub would inevitably result in an increase in visual clutter on this side of the highway. However, in this particular case I do not find that the addition of an extra item of street furniture would have an unacceptable

impact on visual amenity within this commercial context where varying items of street furniture are already present.

14. Additionally, given the number of adverts I observed in this commercial setting, 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.
15. I note the appellant refers to the removal of the existing phone box on the opposite side of the wide, four-lane carriageway of Hollinwood Avenue as a benefit of the appeal proposal. Due to a combination of its distance from the appeal site and its location on a different footway, I found that this existing kiosk is not visually related to the appeal site. As such, the potential visual benefits of its removal have not factored into my determination of this main issue.
16. For the reasons given above, I conclude that the proposal would not harm the character, appearance and visual amenity of this predominantly commercial area. 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.
17. I have also had regard to the principles to produce high quality and inclusive design set out within the Guide to Development in the 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 given above, I therefore conclude it would not conflict with this guidance.

Highway, pedestrian and public safety

18. As detailed above, the hub would be located within the pavement on the south side of Hollinwood Avenue. The proposed site plan shows a separation distance of approx. 7.9m between the proposed hub and the front elevation of the commercial property at no.335 Hollinwood Avenue (no. 335).
19. The Council however, based on comments received from their Highway Service, assert that a section of this pavement is unadopted and forms part of the forecourt for the adjacent row of commercial properties. Whilst the Highway Service response does not provide any specific measurements detailing the sections of the pavement that are adopted and unadopted, the Council's Officer Report does state a residual area of 1.5m would be provided between the hub and this forecourt area.
20. Whilst the appellant appears to question the accuracy of this figure, the submitted proposed site plan is unhelpful in this regard as it does not annotate the area of useable public pavement, nor does it identify the extent of the existing forecourt areas to the front of the shops.

21. The appellant's submission does include an aerial photograph with a line annotating what they consider to be the extent of the historic useable pedestrian access arrangement. This aerial photograph does not however include a scale or any dimensions. The appellant also 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.
22. Whilst noting the appellant's comments on these matters, I have not been provided with any evidence to substantiate the claims in respect of the historic areas of useable footway or that any unadopted sections of this pavement must be kept clear of any obstruction to allow public access in perpetuity.
23. Consequently, I find that neither party has provided clear and substantive evidence in respect of the width of the adopted and unadopted sections of this pavement, or the depth of the adjacent forecourt area at the front of the shops.
24. Nonetheless, during my second visit, late afternoon on a weekday, I saw several cars parked in front of these shops. I also observed one vehicle leaving, and two vehicles arriving, at these spaces in front of the shops. The three vehicle movements I observed all accessed, or left, the parking areas via a dropped kerb located at the end of this row, to the west of the appeal site.
25. All three of these vehicles therefore had to drive over a section of the pavement used by pedestrians. Furthermore, on one occasion I observed a group of pedestrians, including a dog walker, having to quickly manoeuvre out of the way to enable a car to pass as it travelled parallel to the vehicular highway along this section of pavement.
26. There is no substantive evidence before me to suggest that what I observed was untypical of how vehicles access and leave these spaces in front of the shops, and I found this situation to be far from ideal.
27. Whilst acknowledging this is an existing issue, the siting of the proposed hub would introduce a new and additional item of street furniture on the pavement. It would narrow the pavement width and therefore provide less space for vehicles and pedestrians to manoeuvre in comparison to the current situation.
28. The proposed site plan does not show the space that would be provided between the proposed hub and any cars parked at the front of the shops. The appellant's submission does however suggest that given the distance of approx. 7.9m between the hub and the shopfront, when allowing for a 5.5m distance for the forecourt area, a gap exceeding 2m would be provided for pedestrians between the hub and the forecourt area.
29. Be that as it may, as detailed earlier, it is unclear from the information before me how much of this gap would be adopted highway. Moreover, I observed that vehicles also use this pavement area to access the parking spaces in front of the adjacent shops. Consequently, even when applying the appellant's figures, I cannot be sure that there would be sufficient space for vehicles to safely move along the gap that would be left between the proposed hub and any vehicles parked in front of the shops.

30. Furthermore, given the busy nature of this section of pavement, outside a row of commercial properties and near to the train station, when the fact that pedestrians also use this space is factored in, there is potential for greater conflict to arise between pedestrians and vehicles along this proposed narrower section of pavement. In my view, any narrowing of this area used by both pedestrians and vehicles creates a highway, pedestrian and public safety concern.
31. In addition, the highway, pedestrian and public safety harms arising from this situation would only be exacerbated by the introduction of a new, wide and tall piece of street furniture which has the potential to impede visibility between pedestrians and vehicles when using this space.
32. In coming to the above views, I note the appellant's reference to other items of street furniture along the pavement. However, I have not been provided with the details of the distances between these existing items and the forecourt areas to draw any comparisons with the appeal proposal.
33. As such, based on the information before me and my observations on site, it has not been satisfactorily demonstrated that the proposed siting of the hub and the resultant narrowing of the pavement width would not unacceptably hinder pedestrian and vehicular movements, especially when cars are parked in front of the adjacent shops.
34. In view of all the above, I conclude that it has not been demonstrated that the proposal would allow for the safe and convenient passage of all potential users along this section of pavement, resulting in harm to highway, pedestrian and public safety. The proposal therefore conflicts with CS Policies DM1 and SP1, where they together seek to ensure that development has regard to road and community safety. The proposal would also be contrary to the highway safety provisions of the Framework, and I find conflict with the SPD where it seeks to ensure ease of movement by requiring street furniture to be positioned to avoid obstacles.
35. 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

36. I note the Council's first reason for refusal in respect of the proposed hub 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.
37. 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.
38. The appellant has drawn my attention to several allowed appeal decisions¹ for hubs and associated advertisements throughout the country. Whilst I have had due

¹ 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.

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.

39. In this regard, I have been provided with limited information in respect of these appeal decisions that would enable me to draw any direct comparisons with the appeal site and scheme before me. These decisions therefore carry limited weight in my determination of this appeal.

Planning Balance

40. 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.
41. 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.
42. 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.
43. 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 highway, pedestrian and public safety along this section of pavement.
44. 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 public safety.

Conclusion

45. I conclude that the appeal proposal would not have a harmful impact upon the character, appearance and visual amenity of the area. However, for the reasons given, I have concluded that the proposal would harm pedestrian, highway and public safety.
46. 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 public safety.

47. Therefore, for the reasons given, both Appeal A and Appeal B are dismissed.

R Major

INSPECTOR