



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: 4th November 2025

Appeal A Ref: APP/B4215/W/25/3369515

Footpath outside 1054 Ashton New Road, Manchester M11 4PE

- 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 142709/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/25/3369517

Footpath outside 1054 Ashton New Road, Manchester M11 4PE

- 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 142710/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. An initial site visit was made on 29 September 2025. A follow-up site visit was undertaken on 27 October 2025.
6. The description of the site address was altered during the Council's consideration of the planning and advertisement consent applications. The description of the site address in the above banner heading is therefore taken from the Council's decision notice and the appeal form.

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; and
 - highway and pedestrian safety.
8. 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

9. The appeal relates to a section of pavement on the southern side of Ashton New Road (A662), close to the junction with Howgill Street. The site is within a local centre and immediately adjacent to the appeal site are retail and food outlets. The wider area does however also include residential dwellings.
10. In this location the vehicular carriageway of Ashton New Road is wide, consisting of three vehicular lanes with the central lane including tram lines for the Manchester Metrolink. In addition, the section of carriageway close to the appeal site also includes loading areas, bus stop areas and parking spaces for vehicles.
11. Within the immediate vicinity are items of existing street furniture, including bins, lighting columns and a telephone kiosk. Due to the Metrolink line these lighting columns are centrally located within the footway and include connecting overhead cable lines which run perpendicular and parallel to the carriageway.
12. Additionally, due to the commercial character of the immediate surroundings this area is not currently devoid of signage and advertising. Nearby shops have a variety of fascia signs, projecting signs, window adverts and freestanding A-board signs on the footway. Furthermore, I observed that several commercial units close to the appeal site were using the external area at the front of their property as an area to store retail items for sale or for outdoor seating.
13. I found the combination of the existing street furniture, retail items, tables and chairs, the centrally located lighting columns with overhead cables, as well as cars parked directly adjacent to the pavement, all contributed to a cluttered and enclosed environment adjacent to the appeal site. The balance between the proliferation of items on the footway and a clear and welcoming area for pedestrians is therefore delicately posed along this section of the pavement.
14. The appeal proposal seeks to remove an existing payphone kiosk from Ashton New Road and 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 Howgill Street and therefore in a different location to the existing kiosk which is currently located to the east of Howgill Street. The proposed hub would house features that provide free Wi-Fi, free UK calls, USB charging, access to emergency services and other facilities.
15. The submission also details that an existing telephone kiosk at 540 Edge Lane would also be removed. A map identifying the location of this kiosk has not been provided, however a photograph of this kiosk was included. Nevertheless, having

visited 540 Edge Lane I did not observe an existing kiosk and this therefore limits the weight I can attribute to its removal in my determination of this appeal.

16. I did however observe the existing kiosk that is identified for removal to the east of the appeal site. I found this structure has a bulky appearance in comparison to other street furniture and its removal would be of some visual benefit to this area.
17. Nonetheless, by reason of a combination of its height and width, the proposed hub would also appear as a bulky and overbearing feature in comparison to the other existing surrounding features within the immediate vicinity. Furthermore, I find the proposed hub would be made more conspicuous by its illumination and changing images, resulting in it being a visually more incongruous and strident feature than the existing kiosk identified for removal.
18. Additionally, and as mentioned above, a number of commercial units along this section of Ashton New Road have goods and items stored to the front of the property. This, along with the existing items of street furniture and parked cars, creates a cluttered environment along this section of the footway and the appeal proposal would only add further visual clutter to this section of the footway, to the visual detriment of the street scene. In comparison, I did not find the pavement adjacent to the existing kiosk to be as visually cluttered.
19. Given the commercial character of the area I acknowledge there are a variety of advertisements in the locality, including non-illuminated and illuminated signs on the surrounding ground floor premises. However, these were generally affixed to the building and the signs which I observed on footways close to the appeal site where much smaller and less prominent than the proposal.
20. There is also a large freestanding totem sign on a grass verge at a retail park to the west of the appeal site, and a large digital display hoarding on the side of the property opposite this retail park. However, the character of that specific section of Ashton New Road is more open and spacious in comparison to the appeal site, which for the reasons given above, is more cluttered and enclosed by existing street furniture and items. Additionally, these adverts are not located on the footway. I therefore do not find them to be comparable with the proposal in terms of their contribution to street clutter.
21. The appellant has referred to bus stops, and the tram stop, as nearby features which they claim display similar forms of development to the appeal proposal. However, I do not consider the more strident and obtrusive visual impact of the freestanding appeal proposal, with rotating digital advertisements on both sides, to be comparable with the visual impact of the existing bus stops, which have paper advertisements, and the tram stop.
22. In view of all the above, I conclude on this issue that the proposed development would harm the character, appearance and visual amenity of the area. The proposal would therefore 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, DC15.1 and DC15.2 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.

23. The proposal would also fail to accord with the relevant provisions of the National Planning Policy Framework (the Framework), which have similar aims.

Highway, pedestrian and public safety

24. The appeal site is located close to the junction where Howgill Street joins Ashton New Road. As discussed earlier, in this location the vehicular carriageway of Ashton New Road is wide as it includes three lanes for vehicular traffic and the Metrolink. Car parking is also available adjacent to the pavement on the appeal site's side of the carriageway, restricted by time or to permit holders.
25. The submitted plans show a set of double yellow lines extending further along Ashton New Road than what I observed on site. Consequently, vehicles can park close to the junction with Howgill Street and these parked cars impact on the visibility of road users when leaving Howgill Street to join Ashton New Road.
26. The proposed hub would also be sited relatively close to this junction and could therefore further impact upon visibility issues at the junction. I note the appellant states that visibility at this junction is already impacted by parked cars. However, parked cars are not permanent features, and no evidence has been provided to demonstrate the frequency at which these car parking spaces are occupied. Whereas the proposed hub would be permanently in situ close to the junction.
27. In respect of the impact on visibility, the submitted planning application was not accompanied by any details demonstrating the achievable visibility splay at this junction. The Council therefore assert that it has not been demonstrated that the proposal would not harm or compromise pedestrian and highway safety.
28. As part of their appeal submission the appellant has drawn a visibility splay on the location plan. This visibility splay is not however annotated with dimensions, and the location plan is provided at a large scale which lacks specific detail.
29. Furthermore, the left-hand visibility splay shown on the location plan appears to be drawn to the centre point of the vehicular lane on the far side of the carriageway, as opposed to the near side of the carriageway which is advised within the manual for streets¹ when approaching vehicles from the left can cross the centre line. It is not explained why the visibility splay has been drawn to this point, which is especially pertinent in this case as the central lane is also used by vehicles traveling from the left (west to east).
30. In view of the above, based on the information before me I am not satisfied that the proposed development would not impact upon visibility of road users as they exit Howgill Street to join Ashton New Road, particularly when turning right out of this junction.
31. The Council also state the proposed development could distract road users. In this regard, I do not find that the hub would be a distraction to road users as digital advertisements on the side of busy roads are not an uncommon feature in general and the hub would be sited a sufficient distance away from any traffic lights.

¹ Manual for Streets – Department for Transport (2007)

32. A concern has also been raised in respect of the proposal impacting upon the movement of pedestrians along the footway and the Highway Service has commented that a section of the footway appears to be unadopted. However, I have been provided with no details or measurements in respect of the width of any unadopted sections of this pavement.
33. The submitted plan shows a distance of 3.3m would be provided on the footway between the proposed hub and the front elevation of the nearest property. In the absence of any specific details from the Council in respect of the width of the adopted section of this footway I have no reason to doubt this measurement.
34. This gap of 3.3m would meet the required technical stipulations in respect of width clearance guidance contained within the inclusive mobility guidance document² and I see no reason why this document should not be afforded weight as a material consideration.
35. As such, even allowing for certain peaks of the day when there would likely be a significantly greater footfall around the appeal site than what I observed during my site visits, there would remain sufficient space to allow for unimpeded access along the footway between the proposed hub and the front elevation of the nearest property. Pedestrians would not therefore be required to leave this footway as a result of the appeal proposal and could negotiate the area without being unduly impeded. As such I do not find that the proposal would result in a harmful impact upon pedestrian movements.
36. The Council also raise a concern in respect of the proposed hub impeding the use of existing parking spaces as a result of its location close to the edge of the carriageway. It is not however uncommon for items of street furniture to be sited close to the carriageway and I observed a nearby bin, as well as the existing telephone kiosk, located close to the back of the carriageway further along Ashton New Road. As such, and due to the slim depth of the proposed installation as it fronts onto the carriageway, I do not find that the proposal would impede car parking to a harmful extent.
37. In view of all the above, it has not been adequately demonstrated that the proposed installation would not obscure visibility for vehicles joining Ashton New Road from Howgill Street. I therefore conclude that the proposal would be harmful to highway and public safety in conflict 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.
38. 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

39. 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

² Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure. Department for Transport (2021)

satisfied that the development has been sited and designed to minimise its impact on residential amenity and in environmentally sensitive areas.

40. 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.
41. The appellant states that the existing kiosk to be removed is sited close to a traffic light-controlled junction. They contend that the appeal site is therefore a better location for the proposed hub, from a highway safety point of view, in comparison to replacing the existing kiosk with a hub in a like-for-like manner. Even if I was to accept this argument, it does not overcome the harms I have identified that would arise from the siting of the hub in the proposed location. Furthermore, it has not been demonstrated the appeal site is the only alternative location for the proposed hub. This therefore limits the weight I give to this matter in favour of the appeal proposal.
42. Both parties have drawn my attention to a number of allowed and dismissed appeal decisions³ for hubs and associated advertisements throughout the country. The appellant has also drawn my attention to decisions⁴ 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.
43. 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.
44. In this regard, I have been provided with limited information in respect of the appeal decisions that would enable me to draw any direct comparisons with the specifics of the appeal site and scheme before me.
45. Furthermore, whilst an image has been provided of each of the two sites where the Council has granted consent for street hubs, I have not been provided with any plans and therefore I am not aware of where the hubs would be sited. Also, I note that in both cases the street scene is visually different as neither includes a tramline or lighting columns centrally located within the footway. I do not therefore find these cases to be comparable to the appeal proposal.
46. These appeal decisions, and decisions of the Council, therefore carry limited weight in my determination of this appeal.

Planning balance

47. 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.

³ 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

⁴ Council Ref: 136215/FO/23 and 136213/FO/2023

48. 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.
49. The hub would also 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.
50. 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 the character, appearance and visual amenity of the area, and highway and public safety.
51. 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 and public safety.

Conclusion

52. I conclude that the appeal proposal would have a harmful impact upon the character, appearance and visual amenity of the area. It would also cause harm to highway and public safety.
53. 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 and public safety.
54. Therefore, for the reasons given, both Appeal A and Appeal B are dismissed.

R Major

INSPECTOR