



Appeal Decisions

Site visit made on 8 April 2026

by **K Lancaster BA (hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th May 2026

Appeal A Ref: 6003917

Mosley Street, Outside Primark, Manchester M60 1AY

- 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 Miss Verity Cheyne on behalf of BT Telecommunications PLC against the decision of the Manchester City Council.
- The application Ref is 144116/FO/2025
- The development proposed is the removal of an existing InLink Unit, and the deployment of a replacement Street Hub 3 unit.

Appeal B Ref: 6003910

Mosley Street, Outside Primark, Manchester M60 1AY

- 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 Miss Verity Cheyne on behalf of BT Telecommunications PLC against the decision of the Manchester City Council.
- The application Ref is 144117/AOH/2025
- The advertisement proposed is 2no internally illuminated digital display screens.

Decision

1. Appeal A is allowed and planning permission is granted for the removal of an existing InLink Unit, and the deployment of a replacement Street Hub 3 unit at Mosley Street, Outside Primark, Manchester M60 1AY in accordance with the terms of the application, Ref 144116/FO/2025, subject to the conditions in the attached schedule.
2. Appeal B is allowed and express consent is granted for the display of 2no internally illuminated digital display screens at Mosley Street, Outside Primark, Manchester, M60 1AY in accordance with the terms of the application, Ref 144117/AOH/2025. The consent is for ten years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the conditions in the attached schedule.

Preliminary Matters

3. The description of development for both appeals as set out on the application forms is described as *“the removal of an existing InLink Unit, and the deployment of a replacement Street Hub 3 unit”*. The Council’s description of development as set out in the respective decision notices accurately describe each proposal. I have therefore considered the appeal on this basis and used the description taken from the Council’s decision notice in the banner heading above.
4. The appeals relate to the same site and the same proposed development, namely a multifunctional communications hub which, amongst other things, would have an illuminated digital advertisement display. To avoid unnecessary repetition, both

appeals have been dealt with in a single decision letter, but the appeals themselves have been considered based upon their own merits.

5. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in terms of amenity and public safety. Whilst the reason for refusal for Appeal B refers to policies that the Council considers to be relevant, they are material considerations rather than being decisive in the determination of this appeal.
6. The appeal site is located within the setting of a Grade II listed building. As a result, in reaching my decision on Appeal A, I have had special regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of the listed building, and any features of special architectural and historic interest which it possesses.

Main Issues

7. The main issues for Appeal A are the effect of the proposed development on the:
 - character and appearance of the area, with particular regard to the setting of a nearby listed building and non-designated heritage assets; and
 - highway and pedestrian safety.
8. For Appeal B, the main issues are the effect of the proposed advertisement on amenity and public safety.

Reasons

Character, Appearance and Visual Amenity.

9. The appeal site relates to an area of pavement to the front of Primark on Mosley Street, within the wider area known as Piccadilly Gardens. It is occupied by an existing InLink unit, which provides a range of digital services, including free public Wi-Fi, free UK calls, USB charging, and access to emergency services. It also incorporates two digital display screens, one on each side, which show advertisements at regular intervals.
10. The surrounding area is characterised by a range of traditional and modern buildings including hotels, offices, retail and leisure uses. It is also busy thoroughfare connecting parts of the city centre and a number of key transport hubs.
11. Planning permission and advertisement consent was granted for the existing In Link unit in June 2018¹. The existing unit therefore forms part of the established character of the area. It sits in line with other items of street furniture, namely a large number of cycle racks. There two other similar type of units close to the appeal site.
12. The appeal site is located outside of, but close to the boundary of the Upper King Street Conservation Area (the CA). The significance of the CA lies primarily in historical interest due to its concentration of the city's financial institutions. Mosley Street is a later addition, built approximately 100 years later than King Street.

¹ Planning Application Refs: 119887/FO/2017 and 119888/AOH/2017

Nevertheless, it exhibits architectural characteristics which reflect its position within the historical financial district.

13. 10 Mosley Street (No 10) is a Grade II Listed Building. Its significance is derived primarily from its architectural and historical interest as an example of a classic style bank. It is constructed of sandstone ashlar, with a slate roof. The upper floors of the building include giant fluted Corinthian columns, entablature, and dentilled and modillioned cornice and pediment. The ground floor has a square-headed central doorway with two large rectangular windows to either side.
14. The appeal site also lies adjacent to the former Lewis's Department Store building, currently occupied by Primark. The Council has identified this as a Non-Designated Heritage Asset (NDHA) and states that the grand scale of the building contributes significantly to the surrounding street scene, and the setting of adjacent conservation area. However, whilst traditional in its design and appearance, the building also has a modern, dark coloured shopfront immediately adjacent to the appeal site.
15. The existing unit which has been part of the areas character and appearance for a number of years is predominantly silver and black. The proposed replacement would be black and incorporate a larger digital screen. However, it would be viewed in the context of surrounding street furniture, including bins, bus shelters, streetlights and street signage which are nearly all black in colour. There is also a high degree of variety of advertisements, including illuminated screens of a similar scale to that proposed close to the appeal site.
16. The existing InLink unit sits alongside two similar structures, a bulkier unit containing a defibrillator and another of comparable scale and appearance to the proposed replacement. These are interspersed with other dark-coloured street furniture. The proposal would also be seen against the Primark shopfront, which is similarly dark in colour. In this context, the development would not appear prominent or out of keeping with its surroundings. Although it would contrast more with the light-coloured paving, the presence of other dark street furniture and shop fronts mean that this would not result in harm to the character, appearance, or visual amenity of the area.
17. Therefore, whilst I accept that the proposed development would introduce a more modern addition into the street scene, it would not cause harm to the character and appearance of the area. Furthermore, in this varied context, it would not be an overly dominant or obtrusive addition to the street scene and thus would not have a more prominent appearance than the existing unit.
18. The Council states that the proposed totem would add intrusive structures that would negatively impact upon the plans to regenerate Piccadilly Gardens, as they would see the introduction of large, bulkier, darker structures in the public realm, which will not be visually appealing and will detract from any forthcoming efforts to make Piccadilly Gardens an attractive world-class space. However, whilst the proposal would not be strictly like-for-like replacement, the increase in height and footprint of the unit would not result in the addition of intrusive or dominant structure to the area, particularly as it would be sited in broadly the same position between a row of mature trees. Furthermore, there is no substantive evidence before me that the proposal would negatively impact efforts to regenerate Piccadilly Gardens.

19. I acknowledge that when planning permission and advertisement consent was granted for the existing unit, there were associated benefits comprising of the removal of telephone kiosks, and as a result a positive contribution to the reduction in street clutter. These benefits would not apply to this current proposal. Nonetheless, in terms of its siting, the replacement hub would be located in a broadly similar position within the footpath. Whilst being marginally larger than the existing unit, there would be no net increase in the overall number of these types of units. Therefore, I find that it would not harmfully increase visual clutter in this location. Furthermore, the proposed increase in height would be experienced alongside the tall buildings which surround the appeal site. As a result, it would not appear unduly prominent in this context.
20. In terms of the proposed advertisement, each display screen would measure approximately 950mm by 1670mm, which is larger than the existing screens which measure approximately 689mm by 1215mm. The luminance would also be increased from 326 cd/m² to a maximum of 600 cd/m² during hours of darkness. I acknowledge that this represents an increase in both scale and brightness. However, the appeal site is located within a busy commercial environment characterised by a high level of existing artificial illumination, including street lighting, illuminated signage, and digital advertising displays of a similar scale. In this context, the proposed luminance level would not appear unusually bright or visually intrusive when experienced against the prevailing ambient lighting conditions. The proposed display would be viewed primarily within the public realm, where a degree of illumination is typical and expected.
21. Notwithstanding this, I am satisfied that the effect of the illumination could be appropriately controlled through the imposition of suitably worded conditions, including limits on maximum luminance, automatic dimming in response to ambient light levels. Subject to such controls, the proposed advertisement would not result in unacceptable harm to visual amenity.
22. In respect of the consistent rotation of static images, this is a feature of the existing unit. Whilst the proposal would utilise a larger digital display area, it would not be significantly larger or obtrusive and as a result, would not lead to a harmful effect on visual amenity. Furthermore, there would be no net increase in the number of advertisements present in this location. Therefore, I find that the marginal increase in size would not result in a harmful intensification of advertisements or contribute in a detrimental way to the proliferation advert clutter in this location. For these reasons, I find that it would not be harmful to the character, appearance and visual amenity of the area.
23. I accept that the proposal would not make a meaningful contribution towards the Council's Strategy to reduce advertisement clutter. However, it would be a replacement of an existing advertisement, albeit of a marginally larger size. Therefore, I find that it would not result in the over-proliferation of advertisements in this location.
24. In relation to No 10, the proposal would not be prominently sited within the setting of this building. When viewed from Picadilly Gardens, and other local viewpoints, the proposal would be viewed alongside other street infrastructure which is located in the immediate surrounding area, including the other totem style unit which is sited in much closer proximity to No 10 than the appeal site. It would also be most

prominent against the modern ground-floor frontages, rather than in direct relation to historic façades.

25. Whilst I accept that it is of a modern, minimalist design which contrasts with the ornamental features of No.10, taking into consideration the wider context of the appeal site and presence of other modern features within this part of Mosley Street, it would not be at odds with the more traditional detailing of the listed building. Furthermore, in this context and having regard to the presence of the existing unit, it would not appear as an obtrusive modern element and would not appear conspicuously dark and blocky. Therefore, whilst the proposal would be located within the setting of the listed building, it would have no discernible impact on its setting and thus would not cause harm to its significance or setting.
26. The Council has also raised concerns about the perceived harm to adjacent NDHA. However, for the reasons given above the proposal would not cause harm to the character, appearance and visual amenity of the area and thus it follows that the proposal would not have a harmful impact on views of this building or its significance as a non-designated heritage asset.
27. As no harm to the significance of designated heritage assets has been identified, there is no requirement to undertake a balancing exercise in respect of public benefits, required by the National Planning Policy Framework (the Framework).
28. My attention has been drawn to a number of appeal decisions² within the same local authority area. Whilst I don't have full details of the appeal schemes before me, they would appear to differ from the current appeal proposal on the basis that they relate to the installation of a new street hub unit, rather than a replacement of an existing unit. Therefore, I find that they are not directly comparable to this appeal proposal and I attribute them limited weight.
29. For the reasons given above, in respect of Appeal A I conclude that the proposal would not harm the character and appearance of the area, with particular regard to the setting of nearby designated and non-designated heritage assets. Therefore, I find no conflict with Policies SP1, EN1 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document (adopted 2012 and amended 2024) (the CS), Saved Policy DC18 and DC19 of the Unitary Development Plan for the City of Manchester (1995) (the UDP) and Policies JP-P1 and JP-C5 of the Places for Everyone Joint Development Plan (2024) (the PforE Plan), which 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; incorporates high quality in the design and finish of the public realm; and preserves heritage assets, the historic environment and the setting of listed buildings.
30. In relation to Appeal B, I conclude that the proposal would not harm the visual amenity of the area. In accordance with the relevant Regulations, I have considered the provisions of the development plan to the extent that they are applicable. The aforementioned policies are therefore material considerations in this context. In particular, as established, Policy DC15 of the UDP which requires amongst other things, proposals to take account of the general location and the effect on visual amenity. The proposal would not have a harmful impact on visual amenity and would meet therefore meet with the objectives of the above policies.

² Appeal Refs: APP/B4215/W/25/3369446; APP/B4215/W/25/3369503; APP/B4215/W/25/3369504

31. The proposal accords with the Framework, which seeks to ensure that the quality and character of places does not suffer from advertisements that are poorly sited and designed; and that heritage assets (including their settings) are conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Highway, Pedestrian and Public Safety

32. In relation to public safety, and in particular the safety of pedestrians, Transport for Greater Manchester in their consultation response have stated that they would like to see a minimum of a 3-metre offset between the tramway path and the proposed Street Hub. They raise concerns that the proposal would obscure pedestrians which may step out from behind the unit and into the path of a tram, which would be unable to swerve to avoid a collision.
33. The submitted plans indicate that this distance would be approximately 2.7 metres, which falls to meet this standard. However, the existing In Link Unit is also positioned less than 3 metres from the tramway path and the increase in footprint would result in the replacement unit being located approximately 17cm closer than the existing relationship. Whilst I accept the unit would also be taller, the increase in height of the unit would be marginal and of a similar height and scale to other similar structures close by.
34. I accept that the appeal site is located in a busy city centre environment, where pedestrians and trams co-exist within an area of relatively open public realm. Pedestrians in this area already navigate multiple tram lines, existing street furniture and barriers. These features are also present for tram drivers. Nonetheless, there is limited substantive evidence before me to demonstrate that the siting, scale and solid construction of the replacement would have a harmful effect on pedestrian safety, taking into account the existing situation. Furthermore, I have been provided with no evidence that the existing hub, or other existing hubs elsewhere have caused harm to highway safety for the reasons suggested by the Council.
35. In respect of the digital display, the rotating display of images reflects the current situation and existing unit. Whilst the display screen would be larger, it has been designed to operate at a controlled speed and luminance level. The image transitions are gradual and do not introduce sudden changes that could distract tram drivers or obscure visibility. This approach is consistent with best practice for digital signage in transport environments.
36. Therefore, whilst I recognise the proposal would not increase the distance from the tramway, I am not persuaded that the small increase in footprint would lead to reduced visibility of the street scene for tram driver, or obscure views of pedestrians such that it would be to the detriment of pedestrian safety, light rail safety, highway safety, and public safety.
37. I have had regard to the Greater Manchester Combined Authority Streets for All Design Guidance adopted in November 2023, which sets out the importance of a rational, legible, inclusive walking and wheeling environment and that streets should be universally accessible, safe and welcoming. They further state that the Design Guide's emphasis is that streets cannot be considered inclusive if the footway is too narrow as a result of clutter.

38. In this particular case, the proposed development would be located in line with other street furniture, including other similar developments along this part of Mosley Street. There would also only be a marginal increase in the footprint and depth of the unit, such that it would not impede pedestrian flows in this location.
39. Therefore, whilst I accept that there may be a need to review and reduce street clutter to support these aims, the guidance does not impose an overall presumption against the replacement of existing street furniture, particularly in those circumstances where it would not have a harmful impact on the movement of pedestrians. Accordingly, whilst I have had regard to the guidance, I am not persuaded that the position of this proposed hub, would undermine this wider strategy nor lead to conflict with its overall aims and objectives.
40. For the reasons given above, in respect of Appeal A I conclude that the proposal would not harm pedestrian flow or safety. Therefore, I find no conflict with Policies SP1, CC5, T1 and DM1 of the CS, Saved Policy DC22 of the UDP and Policies JP-P1 and JP-C4 of the PfE Plan. Together, these policies 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.
41. In relation to Appeal B, I conclude that the proposal would not harm public safety. In accordance with the relevant Regulations, I have considered the provisions of the development plan to the extent that they are applicable. The proposal would not have a harmful impact on public safety and would meet therefore meet with the objectives of the above policies.
42. 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

43. I have had regard to the concerns which have been raised by a local Councillor regarding the potential impacts on safety, including the perception of crime. However, there is no substantive, site-specific evidence before me to indicate that the proposal give rise to increased crime or anti-social behaviour. Consequently, these concerns do not outweigh my findings in relation to the main issues of this appeal.

Conditions

44. In respect of Appeal A, the Council have suggested a number of conditions which I have considered against the advice in the Framework and Planning Practice Guidance.
45. In addition to the standard time limit condition, I have included a condition specifying the approved plans, which is necessary in the interests of certainty. A further condition requiring the proposed development to be built and maintained thereafter in accordance with the submitted Noise Management Plan, Anti-Social Behaviour Management Plan and Street Hubs Beyond Connection Street Hubs. This condition is necessary to safeguard the character and appearance of the area and to ensure there are no adverse impacts on amenity.
46. In respect of Appeal B, all advertisements granted express consent are subject to the five standard conditions set out in the Regulations. In addition to these, I have

imposed a condition to control the level of illumination, to ensure there is no moving imagery and to set a minimum display time of 10 seconds, also ensuring that the interval between successive image displays is instantaneous. These additional conditions are necessary in the interest of amenity and public safety.

47. The Council also suggested conditions to be attached to Appeal B with respect to any advertisement being maintained in a condition that does not impair the visual amenity of the site, and that any advertisement hoarding or structure is to be kept in a condition which does not endanger the public. These suggested conditions however reflect some of the five standard conditions set out in the Regulations, which are automatically imposed, and therefore do not need to be repeated.
48. In respect of both appeals, the Council suggested a condition should be imposed on any grant of planning permission and advertisement consent to limit the approval to a temporary period of 12 months. However, the appellant states that they are seeking approval for the display of the advertisement for a period of ten years.
49. In respect of Appeal A, having regard to the evidence before me, including my above assessment of any harm arising from the proposal., there is limited evidence before me that circumstances are very likely to change in a particular way at the end of the 12-month permission period or, even if they did, that the communication hub would be very likely to result in any harm. Therefore, I find that such a condition would not be necessary and I have not imposed this condition.
50. For Appeal B, under Regulation 14(7), advertisement consent is granted for a period of 5 years unless otherwise specified. The appellant has sought a 10-year period. As there is no substantive evidence before me that the display would be unacceptable at the end of the shorter period, I have granted consent for the 10-year period in my formal decision.
51. Finally, I note within their consultation response Transport for Greater Manchester requested a Construction Management Plan (CMP) be employed. However, given the limited scale of the proposed development, I find that a condition requiring the submission of a CMP would not be reasonably necessary to make this development acceptable. Consequently, this suggested condition has not been imposed.

Conclusion

52. For the reasons given, in respect of Appeal A I conclude that the proposed development would accord with the development plan taken as a whole and that there are no material considerations of sufficient weight to indicate that a decision should be taken otherwise in accordance with it. Therefore, Appeal A is allowed.
53. In respect of Appeal B, the proposed advertisement would not be harmful to amenity or public safety. Therefore, for the reasons given, the appeal is allowed.

K Lancaster

INSPECTOR

Schedule of Conditions: Appeal A

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans:
 - 25004436_LOC_S1_1.1 - Location Plan
 - 25004436_PLN_SI_2.1 - Proposed Site Plan
 - 25004436_PLN_EL_3.1 - Elevation Plan
- 3) The development hereby approved shall be installed and maintained at all times thereafter in accordance with the details specified within the documents titled:
 - Street Hubs Beyond Connection Street Hubs v2.1 (Dated February 2025)
 - Anti-Social Behaviour Management Plan Version 3
 - Street Hubs Noise Management Plan v2.1 (Dated February 2025)

Schedule of Conditions: Appeal B

In addition to the five standard conditions in the Regulations:

- 1) In daylight hours, the intensity of the illuminance of the advertisements shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than 2500cd/m² to accord with the guidance set out in the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (2023) (or its equivalent in a replacement guide).
- 2) In the hours of darkness (between dusk and dawn), the intensity of the illuminance of the advertisements shall be no greater than 600cd/m² to accord with the guidance set out in the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (2023) (or its equivalent in a replacement guide).
- 3) The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 4) The minimum display time for each piece of content on the digital display screens shall be 10 seconds. The interval between successive displays shall be instantaneous and the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays, and the display will include a mechanism to switch to a blank screen with a black background in the event of a malfunction.

END OF SCHEDULE

Appendix 1 - List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	6003917	Miss Verity Cheyne on behalf of BT Telecommunications PLC
Appeal B	6003910	Miss Verity Cheyne on behalf of BT Telecommunications PLC