



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: 29th May 2026

Appeal A Ref: 6003884

Brown Street, Outside H & M, Manchester M2 1DA

- 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 Ms Verity Cheyne on behalf of BT Telecommunications PLC against the decision of the Manchester City Council.
- The application Ref is 144110/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: 6003876

Brown Street, Outside H & M, Manchester M2 1DA

- 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 Ms Verity Cheyne on behalf of BT Telecommunications PLC against the decision of the Manchester City Council.
- The application Ref is 144211/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 Brown Street, Outside H & M, Manchester M2 1DA in accordance with the terms of the application, Ref 144110/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 Brown Street, Outside H & M, Manchester M2 1DA in accordance with the terms of the application, Ref 144211/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 'not applicable'. The Council's description of development as set out in the respective decision notices accurately describe each proposal; these descriptions have also been used by the appellant on the submitted appeal forms. 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 contained within the Hammersmith and Fulham Local Plan, adopted 2018 (the HFLP), they are material considerations rather than being decisive in the determination of this appeal.
6. The appeal site is located within a conservation area. As a result, in reaching my decision, I have had special regard to Sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 whether it would preserve or enhance the character or appearance of the Upper King Street Conservation Area; and
 - highway safety, with particular regard to pedestrian movement.
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 comprises an area of pavement on Brown Street, between two retail units currently occupied by H & M and Tesco, it contains an existing InLink unit. The unit 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 intervals. The existing InLink unit is set back from Market Street, and is positioned approximately 2.6 metres from the side of the building occupied by H & M.
10. Market Street is considered to be the main commercial street in the city centre. The site also lies within the Primary Shopping Area, and as a result the area experiences high levels of footfall. However, the Council recognises that Brown Street, where the existing InLink Unit is located, functions as an ancillary route between Market Street and King Street.
11. The surrounding area is characterised by a range of commercial premises at ground floor level, mostly retail uses. Within this part of Brown Street, there is a number of existing items of street furniture including, directional signage, cycle racks, safety bollards and a large food kiosk located centrally at the front of the street, close to Market Street.
12. The appeal site lies to the northern edge of the Upper King Street Conservation Area (the CA). The buildings in this section of the Conservation Area along Market Street typically feature frontages that include commercial uses, mainly at ground-floor level. Although their designs vary and they appear to date from different periods, a sense of cohesion is created through the widespread use of brick or

stone and a consistent scale. The significance of the CA is primarily derived from its historical and architectural interest.

13. The Council has also identified 58-66 Market Street as a non-designated heritage asset, and a building which contributes positively to the CA. This building is currently occupied by Tesco.
14. The proposal seeks planning permission and advertisement consent for the replacement of the existing In Link Unit with a BT Street Hub 3. The replacement unit would be slightly larger than the existing unit, extending the footprint by approximately 347mm in width and 71mm in depth. It would also be 90mm taller than the existing unit. The proposal would also incorporate a larger advertisement screen measuring approximately, 0.95m by 1.67m. The unit would be finished in a black powder coated cladding.
15. In terms of its design and appearance, the proposed hub would be wider and taller than the existing unit and finished in a dark powder coated finish. However, whilst I accept that it would not be a strictly like-for-like replacement given its marginal increase in size and use of darker materials, it would not appear harmfully larger or bulkier, nor would it have a more prominent appearance within the street scene. The existing hub is set back from Market Street and would be viewed alongside larger items of street furniture, namely the food kiosk which is centrally located on Brown Street, very close to the junction of Market Street. Consequently, whilst I accept that the proposal would introduce a modern feature, as it would replace an existing modern feature and taking into account the context in which it sits, I find that it would not be at odds with the character and appearance of the surrounding the area.
16. In terms of its siting, the replacement hub would be wider by approximately 346mm but would be located in a broadly similar position within the footpath. It would also be marginally taller. However, whilst being larger than the existing unit, it would not harmfully increase visual clutter in this location.
17. I have had regard to the Council's concerns that the proposal would infill the gap between H & M and the Food Kiosk, by virtue of its larger footprint. They also state that it would be awkward and haphazardly sited, failing to reflect the units which are located centrally within Market Street and in line with other items of street furniture to minimise their presence and to integrate with their setting. However, whilst there would be a small increase in the overall width and footprint of the unit, there would still be sufficient space retained to either side of the unit, and towards the Food Kiosk, such that it would not have a harmful effect on the perception of clutter in this location. Furthermore, the siting of the replacement unit would be in a broadly similar position to the existing unit, such that I find that its siting would not be awkward or haphazard in this context. As a result, it would not appear unduly prominent in this context. Therefore, I find that its siting would not be detrimental to the character and appearance of the area.
18. I acknowledge that when planning permission and advertisement consent was granted for the existing unit, there were associated benefits comprising of the removal of four 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, it would not result in a net increase in the number of units, nor would it 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 or obtrusive in this context.

19. 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.
20. 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.
21. 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.
22. In respect of the CA, as noted above, the surrounding area exhibits a mixed character with some tall, modern buildings, alongside more traditional red brick buildings, displaying an array of different shop front designs and items of street furniture. Whilst I accept that the larger digital display and black finish would contrast with the red brick and lighter coloured stone pavements which are a feature of Manchester's built environment, given its relationship to other darker coloured items of street furniture, and a variety of other colours used in nearby shop fronts, I find that it would not be unduly prominent or harmful to the character and appearance of the area. Therefore, I find that the proposal would not cause harm to the setting or significance of the CA.
23. With regard to the significance and setting of NDHA, I acknowledge that the proposal would represent a modern intervention within its setting. However, for the reasons set out above, I have concluded that the marginal increase in size, together with the use of darker materials in this particular location would not be cause unacceptable harm to the character and appearance of the area. Therefore, I find that it would not cause unacceptable harm to the setting and significance of the adjacent NDHA.

24. 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).
25. My attention has been drawn to a number of appeal decisions¹ 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.
26. For the reasons given above, in respect of Appeal A I conclude that the proposal would not cause unacceptable harm the character and appearance of the area, and would preserve the significance of the CA. Therefore, I find no conflict with Policies SP1, CC9, EN1, EN3 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document, adopted 2012 and amended 2024 (the CS), Saved Policy DC19 of the Unitary Development Plan for the City of Manchester, adopted 1995 (the UDP) and Policies JP-P1, JP-P2 and JP-C5 of the Places for Everyone Joint Development Plan, adopted 2024 (the PFE Plan). Together, the policies 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.
27. 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 addition, I have had regard to Policy DC15 of the UDP which requires amongst other things, proposals to take account of the general location and the effect on visual amenity.
28. The proposal also 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

29. Paragraph 117 of the Framework states that development should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
30. The Council has raised concerns that the increased totem footprint will impede pedestrian movement and inclusive accessibility. This is of particular concern at this city centre location which regularly accommodates significant levels of pedestrian movement. It is noted that other street-furniture is located in close proximity.

¹ Appeal Refs: APP/B4215/W/25/3369446; APP/B4215/W/25/3369503; APP/B4215/W/25/3369504

31. The Council has referred me to the City Centre Transport Strategy to 2040 which seeks to encourage journeys by foot, cycle or public transport, including by improving streets to improve the movement of people and goods. My attention has also been drawn to the Greater Manchester Streets for All Design Guide sets minimum standards for footways.
32. In this case the retained footpath width between the proposed unit and the H & M building would be maintained at approximately 2.6 metres, with a substantially larger gap to the other side. The enlargement of the footprint of the proposed unit would be around 346mm in width and 71mm in depth.
33. Whilst I acknowledge that the wider area experiences high levels of footfall in the area, the submitted plans indicate that there would be more than sufficient space retained to allow for unimpeded movement, including for those with disabilities. I also observed that Brown Street, which is acknowledged as being an ancillary route, did not experience particularly high pedestrian movements, with the majority of pedestrians travelling along Market Street. Furthermore, the increase in size of the replacement unit would be marginal, as such users of the footpath would be unlikely to experience reduction in pedestrian comfort or an increase in navigation confusion in this location. Therefore, I find that it would not result in a harmful obstruction for users of the footpath and I am satisfied that the proposed hub unit would not have a significant additional impact on pedestrian safety or movement.
34. I have had regard to third party concerns regarding the siting of kiosks on the side of roads and the highlighted appeal decision². However, the proposal would be located in a pedestrianised area, as such there would be no harm associated with any reduction in visibility for drivers. Furthermore, the Council has not raised any specific concerns in relation to driver visibility, distraction or safety risks and based on the evidence before I see no reason to reach an alternative conclusion. Therefore, whilst I have had regard to these concerns there is no substantive evidence before me to demonstrate that the proposals pose a risk to highway safety, such that it would warrant dismissal of the appeal scheme.
35. 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.
36. 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.

Other Matters

37. In addition to the matters addressed under my main issues, I have also taken into account further concerns raised by interested parties. In respect of potential health implications arising from telecommunications apparatus and its adherence to the guidelines set by the International Commission on Non-Ionizing Radiation

² Appeal Ref: APP/E5330/H/24/3350920

- Protection (ICNIRP), no sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy is justified. Furthermore, there is no substantive evidence to indicate illumination of the displays would cause eye damage or that the hub would unacceptably affect human health through increased use of phones or screens.
38. Concerns have also been raised about the possible effects of the proposal on vulnerable groups, including children, older people, and those with long-term health conditions or disabilities, such as individuals who are visually impaired or sensitive to light. In considering these matters, I have taken into account the Public Sector Equality Duty (PSED) under Section 149 of the Equality Act 2010. This duty requires public authorities to eliminate unlawful discrimination, harassment, and victimisation; to promote equality of opportunity; and to encourage positive relations between those with protected characteristics and those without. Protected characteristics include age and disability.
39. In my assessment, I have had full regard to the PSED and to the needs of all users of the highway. I conclude that the scale and positioning of the hub and its associated advertisements would not result in a disproportionate impact on persons with protected characteristics. Furthermore, although additional concerns have been expressed regarding potential health effects, there is no specific evidence before me relating to this scheme or its location that substantiates those concerns. On that basis, the PSED does not lead me to find that the appeals should be dismissed on these grounds.
40. Third party concerns have also been raised about the cost and type of advertisements that the proposal might support, for example fast-food adverts. However, I have not been directed to any planning policy which seeks to control the content of such advertisements. I also acknowledge the concerns raised relating to climate change, sustainability, and biodiversity. However, no compelling evidence has been submitted to demonstrate harm in these areas, and I am therefore not persuaded to reach an alternative conclusion.
41. Issues concerning the operation of CCTV, environmental sensors, public Wi-Fi, and the associated implications for data protection are governed by separate legislative regimes. Accordingly, they are not matters that carry determinative weight in the consideration of these appeals.
42. The necessity for hub units of this nature has been questioned, particularly in light of the widespread availability and increasing use of mobile phones. However, it is noted that neither local nor national planning policies require an appellant to demonstrate a specific need for the proposed development. Similarly, there is no policy requirement at either the local or national level for operators to evidence that alternative options have been explored or discounted.
43. I have also 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 would 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:
 - 25004439_LOC_S1_1.1 - Location Plan
 - 25004439_PLN_SI_2.1 - Proposed Site Plan
 - 25004439_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	6003884	Ms Verity Cheyne on behalf of BT Telecommunications PLC
Appeal B	6003876	Ms Verity Cheyne on behalf of BT Telecommunications PLC