



Appeal Decisions

Site visit made on 13 January 2026

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal A Ref: APP/T4210/W/25/3372961

Footpath adjacent to 65 – 69 Rochdale Road, Bury BL9 7AX

- 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 Mr Simon Warner of BT Group PLC against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 71502.
 - The development proposed is the installation of 1No. BT street hub unit and associated advertisement panels on either side of the unit.
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Appeal B Ref: APP/T4210/H/25/3372965

Footpath adjacent to 65 – 69 Rochdale Road, Bury BL9 7AX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Simon Warner of BT Group PLC against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 72088.
 - The advertisement proposed is two digital 75-inch LCD display screens, one on each side of the street hub unit.
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Decisions

Appeal A

1. The appeal is allowed, and planning permission is granted for the installation of 1No. BT street hub unit and associated advertisement panels on either side of the unit at Footpath adjacent to 65 – 69 Rochdale Road, Bury BL9 7AX in accordance with the terms of the application, Ref 71502, subject to the conditions in the attached schedule at the end of this decision.

Appeal B

2. The appeal is allowed, and express consent is granted for the display of two digital 75-inch LCD display screens, one on each side of the street hub unit at Footpath adjacent to 65 – 69 Rochdale Road, Bury BL9 7AX, in accordance with the terms of the application, Ref 72088. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 2007 Regulations), and subject to the conditions in the attached schedule at the end of this decision.

Preliminary Matters

3. In the absence of a site address being specified on the application form, the address used on the banner heading and decision above has been taken from the Council's notice of decision, as it accurately identifies the appeal site for both appeals.
4. The proposal for Appeal B would be an integral part of the proposal for Appeal A. As such, to avoid repetition I have provided one reasoning section, detailing my findings for both appeals. Notwithstanding this, each proposal and appeal has been considered individually, and on its own merits.
5. In relation to Appeal B, the Council's reason for refusal refers to development plan policies. However, the 2007 Regulations require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken relevant development plan policies and the National Planning Policy Framework (the Framework) into account, they have not been decisive considerations in my determination of that appeal.
6. The appellant has confirmed in their statement that no phone kiosks are proposed to be removed as part of Appeal A. That appeal has been determined on this basis.

Main Issues

7. The main issues with respect to Appeal A are the effect of the proposed development on highway safety and the character and appearance of the area.
8. In respect of Appeal B, the main issues are the effect of the proposed advertisement on public safety and the visual amenity of the area.

Reasons

Highway/public safety

9. The proposed hub would be located on a wide pavement to one side of this part of Rochdale Road (said to be a classified road), between Yarwood Street and York Street. There is a high-level road traffic sign positioned centrally on the pavement near to its proposed location, along with a small cabinet and lighting columns located at the back edge of the pavement. On the York Street side are traffic lights, relating to the controlled junction between Rochdale Road, York Street, and Lord Street, positioned very close to either side of the approaching two-laned carriageway nearest the appeal site, with a central kerb dividing the two carriageways along this part of Rochdale Road.
10. Although only a snapshot in time, I observed on my site inspection that there were few pedestrians walking along this part of the pavement, and due to the position of the road traffic sign, the pedestrian desire line was most likely to be nearest to the back edge of the pavement. As such, the proposed siting of the hub (said to be some 0.5 metres or so from the kerb edge), would be broadly consistent with the nearby road traffic sign, and it would be unlikely to adversely affect pedestrian desire lines on this section of pavement. Moreover, the combined retained width of the pavement (said to be some 2.4 metres or so on the proposed plans) would be adequate for pedestrians to safely pass one another, including vulnerable users such as those with pushchairs and wheelchairs for the very short distance when

passing the proposed hub (which is 0.35 metres in depth). Therefore, its siting would not adversely affect pedestrian movements or active and sustainable travel movements along the pavement.

11. Drivers approaching the nearby controlled junction with York Street on the carriageway nearest the appeal site would have adequate visibility of both sets of traffic lights, whether on green, amber or red, as the lights are positioned slightly closer to the kerb edge than the proposed hub. Furthermore, the road is mainly straight on this approach to the traffic lights, and such drivers would likely be positioned to the right-hand side of the vehicle, away from the kerbside position of the hub, preventing it from creating an unacceptable obstruction or adversely affecting the free flow of traffic along the road. Whilst the plans show that there would be partial obstruction of the traffic lights on the pavement side, this would be because the elevations are 2-dimensional, and they do not take account of the drivers position when travelling along Rochdale Road.
12. The Council has referred to possible harm in the event that the nearby traffic lights were to fail, due to the proposed hub impairing the sight line for vehicles seeking to enter or cross Rochdale Road from York Street. The Council has not provided any sight lines to support its reason for refusal, nor has it set out what such sight line measurements should be in this area with a speed restriction of 30 mph. I saw on my site inspection that the traffic lights were fully operational, and I did not notice any faults with them, nor is there any evidence of them failing in the past, I therefore attach limited weight to this hypothetical scenario. Nevertheless, given the position of the proposed hub, away from the kerb edge and the alignment of the junction between the two roads, together with the wide and splayed part of York Street, I am not convinced that the position of the proposed hub would cause an unacceptable obstruction to sight lines for drivers exiting York Street in that hypothetical situation.
13. It is acknowledged that one of the main purposes of the proposed hub is to draw attention to its advertising. However, this section of Rochdale Road is not a complicated part of the highway network for drivers to navigate, and the proposed hub would have a reasonably large separation distance from the junction with York Street, and it would not obscure nearby road signs. Although only a snapshot in time, I observed on my site inspection that vehicles were moving slowly along this side of Rochdale Road, possibly due to the controlled junctions to either side. In view of its limited size and scale, and taking into account other commercial advertising nearby and noting the submitted Driver Distraction Survey, I am not convinced that the proposed location of the hub and its static advertisements (which could be restricted by condition) would be likely to cause an unacceptable distraction to passing drivers or cause obstruction to sight lines, nor would it be likely to create conditions prejudicial to highway, pedestrian or cyclist safety.
14. Finally, the Council (as the highway authority) has said it would not give permission to the appellant for the hub to be installed as proposed. Be that as it may, that would be a separate matter to the planning merits of the proposals the subject of this appeal, and it does not alter my findings above on this main issue.
15. I therefore conclude that in terms of Appeal A, the proposals would not be harmful to highway or pedestrian safety, and in terms of Appeal B they would not be harmful to public safety. Although not determinative in relation to Appeal B, I also find that in respect of both appeals the proposals would comply with the relevant

parts of policies EN1/2, EN1/4, and EN1/9 of the Bury Unitary Development Plan, adopted August 1997 (BUDP), and policies JP-P1, JP-C5, and JP-C6 of the Places for Everyone, Joint Development Plan Document, for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022-2039, adopted March 2024 (PfE), insofar as they require proposals to consider public safety, be socially inclusive, safe, satisfy the requirements for all highway users, including those with mobility impairments, not to detract from highway safety and minimise obstacles to prevent disrupting main pedestrian flows. In addition, the proposal would comply with paragraph 117 of the Framework that requires development to create places that are safe and secure and give priority to pedestrian movements.

Character and appearance/visual amenity

16. Although there is a car park adjoining the back edge of this section of pavement where the proposed hub would be sited, it would broadly sit amongst mainly commercial and retail uses, within its immediate urban context. The proposed hub would be approximately 1.2 metres wide, 3 metres high. It would provide, advertising display screens to either side, free Wi-Fi, free phone calls, wayfinding, access to public services, connection to emergency services, public messaging, environmental monitoring, rapid charging and free phone calls.
17. It is acknowledged that the proposed hub would add to the limited street furniture in this area. However, given the significant width of the pavement, and the spaced arrangement of nearby street furniture and structures, and its proposed alignment with the nearby road traffic sign, it would appear legible and not unacceptably add to the clutter of street furniture in this area.
18. Moreover, its limited scale, size, high-quality functional appearance and its modest level of digital advertising, would not be inconsistent with the commercial appearance of the area and other advertising nearby, even if its type of advertising is different to some of those existing forms of advertising. Although, the adjoining car park relates to open land, I saw on my site inspection that when it is used for parking vehicles, its contribution to any sense of openness in this area is significantly limited. Furthermore, the siting of the proposed hub on the pavement, would not unacceptably harm any such openness in this area, and its limited scale would not be obtrusive, dominant, or harm the spacious layout of the pavement area.
19. In addition, through the use of planning conditions, the proposed advertising could be restricted to be static, without any moving images or interactive displays, along with limitations on its level of illumination, ensuring there would be no harmful effects arising on the character and appearance or visual amenity of the area.
20. I therefore conclude that in terms of Appeal A, the proposals would relate well to the character and appearance of the area, and in regard to Appeal B there would be no harmful effects on the visual amenity of the area. Although not determinative in relation to Appeal B, the proposals would also comply with the relevant parts of BUDP policies EN1/2, EN1/4, and EN1/9 and PfE Policy JP-P1 that collectively require well-designed street furniture that respects the character and identity of the locality and the relationship to the surrounding area, and for advertisements not to be harmful to the area's amenity. Furthermore, the proposal would comply with paragraph 135 of the Framework, insofar as it seeks to ensure development adds

to the overall quality of the area, is visually attractive, and sympathetic to local character.

Other Matters

21. Reason for refusal no.5 on the Council's notice of decision for Appeal A related to the lack of information regarding the relocation of 2no. telephone kiosks, said to be located outside of the appeal site. As their re-location is no longer part of the proposed development, I have not needed to assess this aspect. Nor do I see any planning reasons why the re-location of telephone kiosks outside of the appeal site would be necessary to make the proposals acceptable in planning terms.

Conditions

22. For Appeal A, I have imposed the standard implementation condition and a condition specifying the approved plans to provide certainty. In view of my findings above, I was not persuaded that a condition recommended by the Council, requiring the removal of the approved hub in the event it becomes redundant, would meet all the tests set out in paragraph 57 of the Framework, so it has not been imposed.
23. For Appeal B, as well as the standard conditions for advertisements (referred to above), in the interests of public safety, conditions are also necessary: to prevent the display of any advertisements that contain moving images; to ensure a smooth transition between images and the length of time they are displayed; prevent any advertisement replicating traffic signs; and to ensure that there are no error messages displayed in the event of a breakdown. In addition, for reasons relating to both public safety and visual amenity a condition is necessary to restrict the levels of luminance of the advertisement's and ensure they respond to ambient light levels.

Conclusion

24. For the reasons given above, I conclude that the appeals should be allowed.

A Hunter

INSPECTOR

Schedule of Conditions

Appeal A

- 1) The development shall be begun not later than the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: drawing no's BRY-112 rev. B - existing site plan (including location plan); BRY-112 rev. B - proposed site plan; BRY 112 rev. B - proposed elevations; and BT street hub unit dimensions.

Appeal B

- 1) There shall be no moving images or special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message/advertisement is displayed.
- 2) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated or interactive transition methods) between successive displays.
- 3) The display shall not change more than once every 10 seconds. The use of message sequencing for the same product is prohibited, and the advertisements shall not include features or equipment which would allow interactive messages or advertisements to be displayed.
- 4) The screen display shall be erected with a mechanism installed in order that, if the screen display breaks down or freezes, it defaults to a blank black screen to avoid any flashing error messages or pixilation.
- 5) The screen display panel shall at all times be fitted with a light sensor to adjust the brightness to changes in ambient light levels.
- 6) The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m²) between dusk and dawn and 2500 cd/m² during daylight hours.
- 7) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

End of Schedule of Conditions