

# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>24 February 2026</b>
<b>SUBJECT:</b>	<b>PLANNING APPEALS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>Planning Appeals:</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul> <p>Enforcement Appeals</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A

<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	N/A

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**1.0 BACKGROUND**

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

**2.0 CONCLUSION**

That the item be noted.

**List of Background Papers:-**

**Contact Details:-**

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**Planning Appeals Decided  
between 19/01/2026 and 16/02/2026**

**Application No.:** 71502/FUL **Appeal Decision:** Allowed  
**Decision level:** DEL **Date:** 30/01/2026  
**Recommended Decision:** Refuse **Appeal type:** Written Representations  
**Applicant:** BT Group plc

**Location:** Pavement adj 65-69 Rochdale Road, Bury, BL9 7AX

**Proposal:** Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit

**Application No.:** 72039/FUL **Appeal Decision:** Dismissed  
**Decision level:** DEL **Date:** 30/01/2026  
**Recommended Decision:** Refuse **Appeal type:** Written Representations  
**Applicant:** BT Group Plc

**Location:** Pavement at side of Morrisons, Bury New Road, Whitefield, Manchester, M45 8QS

**Proposal:** Installation of 1 no. BT Street Hub Unit with 2 no. digital 75 inch LCD display screens either side of unit and relocation of existing phone kiosk

**Application No.:** 72040/ADV **Appeal Decision:** Dismissed  
**Decision level:** DEL **Date:** 30/01/2026  
**Recommended Decision:** Refuse **Appeal type:** Written Representations  
**Applicant:** BT Group Plc

**Location:** Pavement at side of Morrisons, Bury New Road, Whitefield, Manchester, M45 8QS

**Proposal:** Advertisement consent for 2 no. digital 75 inch LCD display screens either side of 1 no. BT street hub unit

**Application No.:** 72082/PIP **Appeal Decision:** Allowed  
**Decision level:** DEL **Date:** 29/01/2026  
**Recommended Decision:** Refuse **Appeal type:** Written Representations  
**Applicant:** PUS Construction

**Location:** Land to south of 390 Manchester Road, Ramsbottom, BL9 5NB

**Proposal:** Application for permission in principle for proposed residential development between 7 to 9 no. dwellings

**Application No.:** 72088/ADV **Appeal Decision:** Allowed  
**Decision level:** DEL **Date:** 30/01/2026  
**Recommended Decision:** Refuse **Appeal type:** Written Representations  
**Applicant:** BT Group Plc

**Location:** Pavement adj 65-69 Rochdale Road, Bury, BL9 7AX

**Proposal:** Advertisement consent for 2 no. digital 75 inch LCD display screen either side of 1 no. BT street hub unit

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## 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**

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### **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/m<sup>2</sup>) between dusk and dawn and 2500 cd/m<sup>2</sup> during daylight hours.
- 7) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

End of Schedule of Conditions

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## Appeal Decisions

Site visit made on 8 January 2026

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

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### **Appeal A Ref: APP/T4210/W/25/3372958**

#### **Footpath to the east side of Bury New Road (adjacent to Morrisons), Unsworth M45 8QS**

- 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 Verity Cheyne of BT Group PLC against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 72039.
  - The development proposed is 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/25/3372960**

#### **Footpath to the east side of Bury New Road (adjacent to Morrisons), Unsworth M45 8QS**

- 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 Verity Cheyne of BT Group PLC against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 72040.
  - The advertisement proposed is two digital 75 inch LCD display screen, one on each side of the Street Hub unit.
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### **Decision**

1. Appeal A and Appeal B are both dismissed.

### **Preliminary Matters**

2. There are two appeals on the same site; one against the refusal of planning permission and the other against the refusal to grant advertisement consent. The proposals are intrinsically linked and raise similar issues. To avoid duplication, I have dealt with the two appeals together, except where otherwise indicated.
3. With regard to Appeal B, the Advertisement Control Regulations<sup>1</sup> and the National Planning Policy Framework (the Framework) require that decisions are made only in the interest of amenity and public safety, taking into account the provisions of the development plan, so far as they are material. As such, whilst I have considered the development plan policies which the Council consider to be relevant to amenity and public safety, they are not determinative.
4. The appellant has indicated that following the construction of the proposal, a telephone box would be removed from the access road to Whitefield Metrolink

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<sup>1</sup> The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Station. The description of development on the Application Form did not refer to the removal of this box. Moreover, the telephone box was not included within the application site shown on the Site Location Plan<sup>2</sup>. However, the Decision Notice for the planning application<sup>3</sup> referred to “the relocation of existing phone.” It is therefore clear that the Council considered the removal of the telephone box as part of the planning application.

5. Although the telephone box is not within the application site, it is owned by the appellant. As such, a negatively worded condition could ensure that the telephone box would be removed prior to the proposed Street Hub being operational. Consequently, I will consider the removal of the telephone box when determining the appeals.

### **Main Issues**

6. The main issues for Appeal A are the effect of the proposed development on (a) the character and appearance of the area, and (b) highway safety. The main issues for Appeal B are the effect of the proposed advertisement on (a) amenity, and (b) public safety.

### **Reasons**

#### *Character and appearance, and amenity*

7. The appeal site is part of the public highway next to a supermarket and a bus stop on Bury New Road. There are numerous commercial properties in the area and a Metrolink Station is in proximity to the appeal site. There are also several advertisements, largely associated with the commercial properties they are attached to. In addition, there are billboard advertisements attached to the side of buildings and small freestanding advertisements. Given the above, the area has an urban character and appears as a local centre close to a transport hub.
8. Although the proposed Street Hub would be narrower in depth, than existing telephone boxes, due to its height and width it would still be a significant addition to the footpath. The proposed Street Hub would be sited very close to a bus stop, bins, and a street light, which has a traffic sign attached to it. As such, the proposed Street Hub would contribute to an abundance of street furniture which is positioned across a short section of footpath which is not particularly wide. Moreover, the proposed orientation of the Street Hub would be such that it would face toward people walking along the footpath. Combined with the illuminated advertisement, this would increase the prominence of both the proposed development and advertisement. Taking account of the above factors, the proposal would result in the footpath appearing cramped and cluttered.
9. The proposed advertisement would be larger than existing freestanding advertisements in the area. Moreover, other freestanding advertisements are positioned in areas where there is less street furniture. As such, those advertisements do not significantly reduce the amount of usable footpath. Accordingly, the proposed advertisement and Street Hub would appear incongruous within the street scene.

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<sup>2</sup> Drawing Ref. Steet Hub, BRY-115 Morrisons, 001 – Existing Site Plan, Rev. A

<sup>3</sup> Planning Application Ref. 72039

10. The appellant has highlighted several appeal decisions<sup>4</sup> where similar developments and advertisements were deemed to be acceptable with regard to the effect on the character and appearance, and visual amenity. Nevertheless, the pertinent details of those proposals are not before me, and they are located in different parts of the country. As such, those proposals are materially different to the proposal before me. Therefore, I ascribe very limited weight to those decisions in favour of the appeal proposal.
11. With respect to Appeal A, the proposed development would have a harmful effect on the character and appearance of the area. It would be contrary to policies EN1/2, EN1/4, and EN1/9 of the Bury Unitary Development Plan, August 1997 (UDP) and Policy JP-P1 of the Places for Everyone, Joint Development Plan Document, 2022 to 2039, March 2024 (PFE). These policies indicate that the Council will encourage the provision of suitably located and well-designed street furniture, amongst other matters. The proposed development would also not be in accordance with the Framework where it indicates that the creation of high quality places is fundamental to what the planning process should achieve.
12. Similarly, with respect to Appeal B, the proposed advertisement would be harmful to visual amenity. Although not determinative, the proposed advertisement would be contrary to UDP Policy EN1/9 and the Framework, where they indicate that the Council will seek to control advertisements in the interest of amenity and that the character of places can suffer when advertisements are poorly sited.

#### *Highway and public safety*

13. Next to the appeal site is private land. This area is paved and pedestrians are currently able to use this space as an extension of the public footpath. However, it is partially closed off for an outdoor seating area, and other sections of the land accommodate soft landscaping. Evidence has been provided that this land was previously closed off to the public whilst construction works were ongoing. There is no reason why the access to the private land adjoining the appeal site could not be restricted in future. This would be outside of the control of the appellant and the Council. Therefore, when determining the appeal, I have assessed that the extent of the usable footpath only extends to the extent of the public highway.
14. My assessment differs from the assessment of other inspectors in the appeal decisions<sup>5</sup> that have been put before me. Nonetheless, in those instances there was no evidence that access to private land would be restricted. Whereas in this instance, there is evidence that it has previously been restricted and there are nearby uses and areas of soft landscaping which could extend to the land adjoining the appeal site. Furthermore, for both those proposals the inspectors concluded that the amount of usable footpath was sufficient without considering the private land. Therefore, the proposal that is before me is materially different to those proposals and the acceptance of private land as part of a usable footpath in other cases, does not set a precedence.
15. Whilst the proposed Street Hub would be positioned broadly in line with the bins and the bus stop, it would be on the other side of the footpath from the street light. As such, it would block pedestrians' desire lines. Moreover, the width of the

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<sup>4</sup> Appeal Refs. APP/Z5630/H/3209488; APP/N5090/Z/22/3296138; APP/J2373/H/22/3305026; APP/J2373/W/22/3304941; APP/J2373/W/22/3305075; and, APP/N5090/Z/22/3295689.

<sup>5</sup> Appeal Refs. APP/Q3630/W/25/3363952 and APP/Q3630/H/25/3363953; and, APP/Q3630/W/25/3363957 and APP/Q3630/H/25/3363958.

retained footpath would be less than required by Transport for Greater Manchester to be considered an unimpeded footpath. Accordingly, there may not be space for pedestrians to pass one another when travelling in opposite directions. This would be a particular concern for people using mobility aids or with a pushchair.

16. As the appeal site is close to a Metrolink station and a supermarket, within what appears to be a local centre, footfall is likely to be high. Furthermore, people waiting at the nearby bus stop would also cause an obstruction to pedestrians using the footpath. Consequently, it is likely that pedestrians would come into conflict with other pedestrians or the street furniture, particularly during busy periods of the day. This would lead to people walking across the private land immediately next to the supermarket. However, if access to that land was blocked, not only would it significantly increase the chances of conflict, but it may lead to pedestrians temporarily stepping into the road to avoid obstructions. As such, the proposed siting of the advertisement and Street Hub would have a harmful effect on highway safety, as it could cause conflict between pedestrians and vehicles on what appears to be an arterial route.
17. The proposal may be in accordance with some aspects of the guidance within Manual for Streets and Inclusive Mobility, guidance issued by Transport for London and the recommendations of the Disability Discrimination Act. Nonetheless, this is guidance only and is not determinative. For the reasons given above, the specific site circumstances would lead to the proposal being harmful to highway safety.
18. Due to the road layout, the siting of the proposed Street Hub and advertisement would not harmfully affect the visibility of drivers approaching the junction between Stanley Road and Bury New Road. Even if the traffic lights were not working, there would be sufficient visibility for drivers to exit Stanley Road safely.
19. On balance, with respect to Appeal A, the proposed development would have a harmful effect on highway safety. It would be contrary to UDP policies EN1/2, EN1/4 and EN1/9 and PFE policies JP-P1, JP-C5 and JP-C6. These policies indicate that the Council will seek to ensure that the siting of street furniture does not detract from highway safety, and streets will follow a Streets for All approach by maximising the ability of pedestrians to navigate safely, amongst other matters. Moreover, the proposed development would be contrary to the Framework where it advises that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.
20. Similarly, with respect to Appeal B, the proposed advertisement would be harmful to public safety. Although not determinative, the proposed advertisement would be contrary to UDP Policy EN1/9 where it indicates that the Council will have particular regard to the effect of the advertisement on the safe use of any form of transport, including the safety of pedestrians.

### **Other Matters**

21. The appellant has indicated that the proposal would comply with several local plan policies. This is not disputed. However, the proposal would be contrary to the policies identified above. Therefore, it would be contrary to the development plan when read as a whole.

22. The proposal would generate numerous benefits including the expansion of the electronic communication network which in turn could create conditions in which businesses can expand. The proposed Street Hub would also include sensors which can monitor air, sound, and light. The data generated could assist the Council when making decisions. Furthermore, BT offer free advertisements to small businesses and the Council. The provision of these advertisements as well as enhanced 5G coverage could promote the long term vitality of the local centre. The replacement of the telephone box with the proposed Street Hub would help reduce greenhouse gas emissions, as the Street Hub would run on renewable energy. The proposal would also support the Government's Industrial Strategy which identifies digital and technology businesses as a priority sector for support and growth.
23. The telephone box which is proposed to be removed is located within All Saints Conservation Area (ASCA). The significance of ASCA in part relates to the historic development of the area. Many of the buildings are of a design or retain features which indicate that they were constructed during the Georgian and Victorian periods. There are many buildings of note which have a positive effect on ASCA, including 8 Whitefield which is in proximity to the telephone box. The removal of the telephone box would reduce visual clutter around the junction between the access road to the Metrolink Station and Bury New Road. As such, the street furniture would provide less of a visual distraction and could allow the nearby historic buildings to be better appreciated.
24. Consequently, the removal of the telephone box would enhance the appearance of ASCA. The proposal would comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I attached considerable weight and importance to this as a benefit of the proposal.
25. Notwithstanding this, I ascribe substantial weight to the harm that would be caused by the proposal. Of particular concern is the effect of the proposal on highway safety. Given the high footfall in the area and the road appearing to be an arterial route, I have significant concern regarding the potential conflict between pedestrians and vehicles. Accordingly, the benefits of the proposal as a whole would not outweigh the identified harm.
26. I acknowledge the appellant's comments in relation to the conduct of the Council during the determination of the planning application. However, these are matters between the appellant and the Council and it is not a matter for my consideration on the acceptability of the appeal proposal.

## **Conclusion**

27. With regard to Appeal A, the proposed development conflicts with the development plan, when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.
28. With regard to Appeal B, the proposed advertisement would have a harmful effect on amenity and public safety. Therefore, the appeal should be dismissed.

*J Hobbs*

INSPECTOR



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## Appeal Decision

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: 29 January 2026

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**Appeal Ref: APP/T4210/W/25/3375135**

**Land North of Bass Lane, Manchester Road, Walmersley (in the vicinity of the Halfway House Cafe), Bury BL9 5NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Mr John McGauley of PUS Construction against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 72082.
  - The development is a proposed housing development.
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### Decision

1. The appeal is allowed and permission in principle is granted for a minimum of 7 dwellings and a maximum of 9 dwellings, at Land North of Bass Lane, Manchester Road, Walmersley (in the vicinity of the Halfway House Cafe), Bury BL9 5NB, in accordance with the terms of the application, reference 72082.

### Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second, technical details consent (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages only.
3. The PPG further says the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted<sup>1</sup>. I have determined this permission in principle appeal accordingly.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, the application form indicates a minimum of 7 no. dwellings and a maximum of 9 no. dwellings.
5. Since the Council's notice of decision was issued, a revised National Planning Policy Framework Consultation, and accompanying Written Ministerial Statement, dated 16 December 2025 were issued. They relate to proposed changes, and they are not government policy. As such they attract limited weight in my decision.

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<sup>1</sup> Paragraph: 012 Reference ID: 58-012-20180615

Nevertheless, in view of the reason for refusal on the Council's notice of decision the main parties have had the opportunity to comment on them in regard to the appeal proposal, and I have taken those comments into account in my decision.

### **Main Issues**

6. The main issues are whether the location, the proposed land use and the amount of development are suitable, having regard to:
  - whether the proposal would constitute inappropriate development in the Green Belt, considering the National Planning Policy Framework (the Framework) and any relevant development plan policies, including where necessary, the effect on openness, and
  - if relevant, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

### **Reasons**

#### *Whether the proposed development would be inappropriate development*

7. The appeal site comprises part of a grassed field within the Greater Manchester Green Belt, as set out within Policy JP-G8 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). It is also located between the M66 and A56 (Manchester Road), opposite a small collection of housing and adjoining a commercial premises. Although it is situated outside of the nearby settlements of Bury, Ramsbottom, and Walmersley, there are footpaths along the sides of the connecting roads to them all, and regular bus services to them, that link to the Greater Manchester transport system and beyond.
8. The Framework at paragraph 142 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out that development in the Green Belt should be regarded as inappropriate, other than in a limited number of exceptions.
9. PfE Policy OL1/2 also states that new buildings in the Green Belt are inappropriate development, unless for some limited purposes. Furthermore, Bury's New Buildings and Associated Development in the Green Belt, Guidance Note, adopted 10th January 2007 (GN) says new residential development is not permitted in the Green Belt, other than for agricultural and forestry workers accommodation, limited infilling or for a replacement dwelling. There is no apparent dispute between the main parties that the proposal would not satisfy any exceptions or limited purposes as set out within paragraph 154 of the Framework, PfE Policy OL1/2 and the GN, and I see no reason to disagree.
10. However, paragraph 155 of the Framework also states homes in the Green Belt would not be inappropriate development if; a. the proposed development would utilise grey belt land and not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; b. that there is a demonstrable unmet need for the type of development proposed; c. the

development would be in a sustainable location (with particular reference to paragraphs 110 and 115); and d. if major development, it would satisfy the golden rules. The PfE and the GN pre-date the Framework and the relevant Green Belt policies of the PfE and GN are not consistent with paragraph 155 of the Framework, which in this case is a significant material planning consideration.

11. The Framework defines grey belt land, as land in the Green Belt, comprising previously developed land and/or any other land that, in either case, does not strongly contribute to purposes a), b), or d) in paragraph 143 of the Framework. It excludes land where the application of the policies relating to areas or assets of particular importance as set out in footnote 7 of the Framework (other than Green Belt) would provide a strong reason for refusing or restricting development. In terms of those purposes, the Council does not conclude that the appeal site prevents neighbouring towns merging into one another, or that it preserves the setting and special character of historic towns, nor is there any evidence that it would conflict with areas or assets of importance as set out within footnote 7. From the available evidence, I have no reason to disagree, and the appeal site does not strongly contribute to the above-mentioned purposes, it is therefore grey belt land.
12. There is also no dispute between the main parties that the proposed development of the appeal site, which is partly said to be previously developed and situated between two major roads would fundamentally undermine the purposes of the Green Belt across the area of the plan, and again, I do not disagree. Consequently, criterion a. of paragraph 155 of the Framework is met.
13. The Council's recent updated Five Year Housing Land Supply Statement says it has a 4.3-year supply of housing, including a 20% buffer, so there is a demonstratable unmet need for housing, and criterion b. of paragraph 155 of the Framework is met. In view of the proposed number of dwellings to be located on the appeal site (between 7-9 dwellings), along with its site area, it would not be major development, so the golden rules within criterion d. would not apply in this case.
14. Turning to criterion c., paragraph 110 of the Framework says amongst other things that the location of new development should limit the need to travel and offer a genuine choice of transport modes, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account in decision-making. Paragraph 115 adds that sustainable transport modes should be prioritised.
15. Although the appeal site is said to be some 30 minutes or so walk from local services and grocery shops, which may not be ideal for all future occupiers, there are regular bus services operating very close to the appeal site to neighbouring settlements and beyond. In addition, it is possible for future occupiers to cycle the short distance to the neighbouring settlements, on what are mostly well-lit roads, in this rural location. Moreover, development would not be in a materially less sustainable location than the existing residential development immediately opposite the appeal site. Therefore, whilst the car may be the mode of transport of choice for some future occupiers, it is by no means the only option, with other genuine sustainable modes of travelling being available for future occupiers, including public transport, cycling and walking. In terms of paragraph 155 of the Framework, the location can be regarded as sustainable and criterion c. is met.

16. Although paragraph 115 does require safe and suitable access for all users, the scope of this permission in principle stage is limited to principle matters only. Details relating to the location, and safety of new access(es), including sight lines, speed surveys and proximity of nearby junctions, along with the detailed highway safety aspects of the proposed development would be matters for a TDC application.
17. I therefore conclude that the location, the proposed amount, and residential land use would be appropriate in principle at the appeal site, and the proposal would not be inappropriate development in the Green Belt, and it would accord with the provisions of the Framework in respect of the Green Belt, notably paragraph 155. It is not necessary for me to consider the effects of the proposal on the openness of the Green Belt, as this is implicitly considered in this exception, nor would there be any very special circumstances needed to justify the development. Whilst there would be conflict with PfE Policy OL1/2 and the GN, as set out above, the Framework takes precedence as those policies are more restrictive than the Framework in terms of homes in the Green Belt. The conflict with the development plan in this regard is outweighed by the Green Belt policies of the Framework.
18. Although not cited within its reason for refusal, the Council referred in its statement to conflict with PfE policies JP-C1 and JP-C8. Policy JP-C1 requires new development to be located to enable and encourage walking, cycling and public transport use, to reduce effects of car dependency, and Policy JP-C1 states that proposals should deliver a pattern of development that minimises both the need to travel and the distance travelled by unsustainable modes. In light of my findings above regarding the appeal site being in a sustainable location and providing a genuine choice of sustainable transport modes other than the car, future occupiers would not need to be car dependent for such journeys, although some may choose to travel by car. I do not find any conflict with these policies on this main issue.

### **Other Matters**

19. Interested parties have raised a number of issues in addition to the main issue above, including but not limited to drainage, highway safety, and the provision of local services. At this stage only the principle of the use can be considered, most of the issues raised would be considerations that would be assessed separately at the TDC stage.

### **Conditions**

20. The Council has not suggested any conditions, and in any event the PPG states that it is not possible for conditions to be attached to a grant of permission in principle<sup>2</sup>.

### **Conclusion**

21. For the reasons set out above, I conclude that the appeal should be allowed.

*A Hunter*

INSPECTOR

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<sup>2</sup> Paragraph: 020 Reference ID: 58-020-20180615



## **Details of Enforcement Appeal Decisions between 19/01/2026 and 16/02/2026**

**Location:** 1 Pitt Street, Radcliffe, Manchester, M26 3TF

**Case Ref:**

0323 24

**Issue:** Balcony on top of existing rear single storey extension with obscure glazed balustrade

**Appeal Decision:** Dismissed 13/02/2026



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## Appeal Decision

Site visit made on 27 January 2026

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

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### Appeal Ref: APP/T4210/C/25/3363343

#### 1 Pitt Street, Radcliffe, Manchester M26 3TF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”).
  - The appeal is made by Mr Ray Ellis of KC against an enforcement notice (“EN”) issued by Bury Metropolitan Borough Council.
  - The EN was issued on 20 February 2025.
  - The breach of planning control as alleged in the EN is: Without planning permission, the creation of a balcony on the rooftop of the existing rear single storey extension with obscure glazed balustrade and French doors.
  - The requirements of the EN are:
    - a) Remove the rear first floor French doors that are being used to access the rear extension’s roof and reinstate the building to its previous condition.
    - b) Dismantle and remove the glazed balustrade from the rear extension’s roof.
    - c) Remove all power supply points and solar lighting from the rear extension’s roof.
  - The periods for compliance with the requirements are:
    - 1) To complete step 5 (a) above - 90 days after the notice takes effect.
    - 2) To complete step 5 (b) above - 90 days after the notice takes effect.
    - 3) To complete step 5 (c) above - 90 days after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(b), (c) and (f) of the 1990 Act.
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### Decision

1. It is directed that the EN is varied by:

- *the deletion of the entirety of the words in a), b) and c) in section 5 of the EN and their substitution with the words: “Remove the French doors and obscure glazed balustrade and reinstate the roof to its previous condition”;*  
*and*
- *the deletion of the entirety of the words in 1), 2) and 3) in section 6 of the EN and their substitution with the words: “90 days after the notice takes effect”.*

Subject to the variations, the appeal is dismissed and the EN is upheld.

### Preliminary Matters

2. The appellant and interested parties raise matters within their submissions regarding the planning merits of the development. However, the appellant has not appealed the EN under ground (a) and therefore, I am unable to consider these comments.
3. The appellant contends that it is their intention to turn the roof of the existing single storey rear extension into a “green roof”. This is a matter that falls outside the scope of this appeal.

### Appeal on Ground (b)

4. An appeal under ground (b) is that those matters stated in the EN have not occurred. The alleged breach is the creation of a balcony on the rooftop of an existing rear single storey extension with an obscure glazed balustrade and French doors.
5. The appellant does not dispute that the French doors have been inserted, or the obscure glazed balustrade has been erected. Their Statement of Case also states that they *“would accept the decision to cease using the roof as a balcony”* which suggests that the roof has been used as a balcony. Furthermore, interested parties have described instances when the flat roof was used as a balcony.
6. In addition, the appellant sought planning permission<sup>1</sup> for the retention of a *“balcony on roof of extension with a toughened obscure glazed balustrade with stainless steel post and top rail at 1100mm high”*. The Council refused the application, and it was subsequently dismissed on appeal<sup>2</sup>, with the Inspector stating, *“The application form indicates the development was completed, and I was able to see this during my site visit”*
7. The evidence before me therefore indicates that a balcony had been created on the rooftop of an existing rear single storey extension with an obscure glazed balustrade and French doors.
8. The appellant states that there is no solar lighting on the roof. While this may have been correct at the time of writing the appeal statement, the test in ground (b) is whether the solar lighting had been present. Notwithstanding this, the alleged breach of planning control does not refer to solar lighting, and therefore it is not necessary for the appellant to demonstrate that it had not occurred.
9. Consequently, on the balance of probabilities, the alleged breach of planning control had occurred as a matter of fact. The appeal on ground (b) therefore fails.

### Appeal on Ground (c)

10. An appeal under ground (c) is that the matters alleged in the EN do not constitute a breach of planning control. The onus of proof is on the appellant to show there has been no breach of planning control. The relevant test is the balance of probability.
11. Section 55(2)(d) of the 1990 Act states that the *“use of any buildings or other land within the curtilage of a dwellinghouse for any purposes incidental to the enjoyment of the dwellinghouse as such”* shall not be taken to involve development. Therefore, **using** the flat roof as amenity space incidental to the residential use of the house would not constitute development (my emphasis). However, the allegation does not allege a material change of use, and the EN does not require the cessation of the roof as a balcony. Therefore, the EN alleges operational development.
12. A balcony is defined within the Technical Guidance<sup>3</sup> as *“a platform with a rail, ballustrade [sic] or parapet projecting outside an upper storey of a building”*. My

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<sup>1</sup> Planning Ref 70189

<sup>2</sup> Appeal Ref APP/T4210/D/24/3340383

<sup>3</sup> Permitted development rights for householder: technical guidance (2019)

observations during my site visit confirm that the alleged breach of planning control complies with this definition.

13. Although the “use” of the roof as a balcony is not part of the alleged breach of planning control, the physical works (i.e. the obscure glazed balustrade and the French doors) have resulted in the provision of a balcony. Therefore, the development must be considered as one operation and not separated into its constituent parts. As such, the alleged breach of planning control must, as a whole, benefit from planning permission granted by the GPDO.
14. The appellant has not directed me to a particular part or class of the GPDO that they assert the alleged breach of planning control conforms. However, in my opinion, the most relevant sections would be Classes A, B and C of Part 1, Schedule 2.
15. Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“GPDO”) provides permitted development rights for the “*enlargement, improvement or other alteration of a dwellinghouse*” subject to various limitations. One such limitation at A.1(k) is that development is not permitted by Class A if “*it would consist of or include (i) the construction or provision of a verandah, balcony or raised platform*”.
16. Similarly, limitation B.1(e)(i) of Class B, Part 1, Schedule 2 of the GPDO relating to “*additions etc. to the roof of a dwellinghouse*” does not allow development which consists of or includes the construction or provision of a verandah, balcony or raised platform.
17. The alleged breach of planning control involves the provision of a balcony. Consequently, it is not permitted development under Class A or Class B of Part 1, Schedule 2 of the GPDO.
18. Even if the obscure glazed balustrade could be considered independently of the operation as a whole, it exceeds the height of the existing rear single storey extension’s roof. Limitation C.1(c) of Class C, Part 1, Schedule 2 of the GPDO relating to “*any other alteration to the roof of a dwellinghouse*” does not allow development that would result in the highest part of the alteration being higher than the highest part of the original roof. Consequently, it is not permitted development under Class C of Part 1, Schedule 2 of the GPDO.
19. For these reasons, the appellant has failed to show, on the balance of probability, that the matters alleged in the EN do not constitute a breach of planning control. Therefore, the appeal on ground (c) fails.

### **Appeal on Ground (f)**

20. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy the breach of planning control.
21. The appellant asserts that to cease the use of the balcony should be enough to remedy the breach of planning control. The EN’s requirements to remove the French doors, obscure glazed balustrade, power supply points and solar lighting are therefore excessive to remedy the breach of planning control.

22. As previously discussed, the EN is not alleging a material change of use and therefore, the EN does not require the flat roof to cease being used as a balcony. It is for the appellant to decide on the advisability of using the roof of the existing rear single storey extension as additional amenity space without any alterations to the roof structure or any barrier around its perimeter.
23. The appellant considers the French doors should be retained as they do not require planning permission. I acknowledge that the insertion of the French doors may not normally be an act of development when undertaken independently however, they contribute to the provision of the balcony. The purpose of the EN is to remedy the breach of planning control. Therefore, any step lesser than the removal of the French doors would not remedy the breach.
24. The appellant outlines the benefits of the obscure glazed balustrade from a privacy, character and appearance perspective, and as a wind break. However, I do not have a ground (a) appeal before me and therefore, I am unable to consider these matters under ground (f).
25. Step (c) of the EN's requirements seeks to remove all power supply points and solar lighting from the roof of the existing rear single storey extension. However, neither of these matters are included within the breach of planning control. Furthermore, power supply points and solar lighting are not normally an act of development; there were no solar lights on the roof at the time of my site visit; and in my opinion, they are not matters that contribute to the provision of the balcony. Consequently, I will vary the EN's requirements to delete step (c). I am satisfied this can be done without causing injustice to either party as they do not form part of the breach of planning control.
26. It is not necessary for the requirements to detail the locations of the breaches of planning control. Therefore, for conciseness, I have omitted these words and amalgamated steps (a) and (b) into one requirement. The obscure glazed balcony is described inconsistently within the EN and therefore I must vary its description within the requirement to match the description in the breach of planning control. As there is now only one requirement, it is necessary for me to delete criteria (2) and (3) of the EN's compliance periods. As these variations are for precision, I am satisfied they would not cause injustice to either party.
27. For these reasons, the appeal on ground (f) succeeds to this limited extent.

### **Conclusion**

28. For the reasons given above, I conclude that the requirements of the EN are excessive to remedy the breach of planning control. I shall vary the EN prior to upholding it. The appeal on ground (f) succeeds to that extent.

*A Berry*

INSPECTOR