

MR [REDACTED] M [REDACTED] - v - Medway Council

Appeal Details

Case number:	MW00034-2601	Appeal Raised:	17/01/2026
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	26/02/2026
Number of PCNs:	1	Adjudicator:	Adjudicator Dodd

Decision - PCN MW94209167

MR [REDACTED] M [REDACTED], you have lost this appeal.

You need to pay the penalty charge to Medway Council within 28 days.

Penalty Charge Amount: £70.00

Issued: 12/12/2025

Contravention: 09/12/2025 09:24

Rainham Road

31 - Entering and stopping in a box junction when prohibited

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. It is the Authority's case that the Appellant's vehicle entered and stopped in a box junction when prohibited on 9 December 2025 on Rainham Road at the junction with Ash Tree Lane. They rely in evidence on CCTV footage, a photograph of the approach to the junction from Ash Tree Lane, a map of the location and a satellite image of the location.
2. The CCTV footage shows a full box junction spanning the whole of Rainham Road, positioned in front of the exit from Ash Tree Lane. Rainham Road and Ash Tree Lane form a "T" junction. The footage shows the Appellant's vehicle enter the box junction with the intention of turning right into the nearside of two lanes on Rainham Road. A red car preceded the Appellant's vehicle, and it stopped on the other side of the junction behind stationary traffic, leaving insufficient room to accommodate the Appellant's vehicle, such that it was forced to stop on the junction.
3. The Appellant maintains that the box junction is unlawful because it breaches the statutory guidance in **Chapter 5 of the Traffic Signs Manual**. He relies on four other Tribunal cases, which were successful on the same point, but he rightly recognises that Tribunal decisions are not binding on another Adjudicator. He has produced copies of the said decisions, which I have read. He also refers to **Chapter 1 of the Traffic Signs Manual** and quotes from the "golden rules": "*Signs should only be provided where a clear need has been identified*" (2.11) and "*Good scheme design must...meet functional objectives*".
4. The relevant guidance in **Chapter 5 of the Traffic Signs Manual** on which the Appellant seeks rely is at **paragraphs 8.3.1 and 8.3.2**, which state:

"8.3.1. *Experience has shown that the marking improves traffic flow where previously there were delays due to vehicles blocking the junction and impeding the cross flow.*"

"8.3.2. *Half-boxes, in which only half the area of the junction is marked (see Figure 8-2) are appropriate at T-junctions and other junctions where the traffic blocks back from one direction only. Half-boxes should be used only on the minor roadside of the main carriageway to allow emerging traffic to turn right where the queue of traffic in the major road is to the left. A half-box on the side of the road opposite a T-junction generally serves no useful purpose. Even though it will create a gap in a queue of traffic, drivers turning right from the minor road will not be able to enter the box as the exit will be obstructed.*"
5. The Appellant has also referred to "**Traffic Management Act 2004: Statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions**", from which he quotes: "*Local authorities will be expected to explain any decision not to implement the terms of the guidance, and adjudicators may consider it to be a procedural impropriety, sufficient to allow an appeal if no sufficient explanation is provided.*".
6. It is the Appellant's case that the box junction is unlawful because a full box was unnecessary and that there should only have been half box positioned in the lane closest to the mouth of Ash Tree Lane. He has marked on a still image taken from the CCTV the area of the box junction which he maintains was unnecessary, and in which his vehicle came to a halt. He maintains that this part of the box junction does not improve traffic flow.
7. The Authority say in their appeal Case Summary:

"*The box junction at this location is positioned to protect the junction of Rainham Road and Ash Tree Lane because this is a high-volume junction where traffic movements from multiple approaches*

interact, including vehicles travelling straight ahead on Rainham Road and vehicles entering or exiting from Ash Tree Lane. Although the appellant characterises the junction as a “merging area,” this does not negate the need for a box junction. On the contrary, merging movements are precisely the type of traffic interaction that box junctions are designed to regulate, ensuring that vehicles do not proceed unless there is sufficient space to clear the junction fully.

The size and shape of the box junction reflect the physical layout of the carriageway, the width of the junction, and the swept paths of vehicles using it. Box junctions are marked in accordance with the Traffic Signs Regulations and General Directions 2016, and their dimensions are determined by the extent of the area that must be kept clear to prevent vehicles becoming stationary and obstructing cross-movements. There is no requirement for the Authority to produce bespoke engineering drawings in tribunal proceedings; compliance with the prescribed markings and lawful placement is sufficient, and this junction meets those requirements.”

8. The said guidance in **Chapter 5 of the Traffic Signs Manual** does not impose a statutory and mandatory duty on a local authority. As indicated above, the “**Traffic Management Act 2004: Statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions**”, says the authority “*will be expected to explain any decision not to implement the terms of the guidance*”. Furthermore, “*if no sufficient explanation is provided*”, this may amount to a procedural impropriety. I take the view that this is also an appropriate test to apply to the guidance in the Traffic Signs Manual.
9. I am satisfied that the Authority have explained their decision to place a full box junction in the said explanation in their Case Summary and I am also satisfied that it represents a sufficient explanation. In those circumstances, I am not persuaded that the placing of a full box junction represents procedural impropriety/unlawfulness.
10. Turning to the contravention itself, at **Schedule 9 Part 7 S11 of The Traffic Signs Regulations and General Directions 2016** the prohibition is defined as follows: “*... a person must not cause a vehicle to enter the box junction so that the vehicle has to stop within the box junction due to the presence of stationary vehicles.*” This means that, to avoid any risk of stopping on a box junction, before a driver causes their vehicle to enter the box junction there must already be a clear space waiting to receive their vehicle on the other side.
11. I should point out that a contravention occurs when part of a vehicle is stopped on a box junction. Furthermore, any stopping on a box junction, however brief, will give rise to a contravention and there does not need to have been any obstruction.
12. It is quite clear from the CCTV footage that the Appellant’s vehicle entered the box junction when its exit was not clear and that it stopped on the junction owing to the presence of stationary vehicles. Furthermore, I am satisfied that prior to entering the junction, the Appellant would have been able to see whether there was sufficient space to accommodate his vehicle on the other side of the junction. In those circumstances, I am satisfied that there was a contravention.
13. I should point out that the right-hand turn exemption does not apply in this case because the junction was a T-junction and so there was no oncoming traffic and therefore it was not possible for vehicles turning right at the junction to be prevented from doing so by oncoming vehicles.
14. The Appellant also argues that there has been a breach of **Regulation 6(4)(a) of The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022** in that the Authority failed to consider his representations. Pursuant to the said regulation, an Authority must consider the representations and any supporting evidence provided by the recipient of a PCN and then serve on that person a notice of their decision stating whether the

representations have been accepted. In the case of **R (Halton Borough Council) v Road User Charging Adjudicators and Damian Curzon (interested party) [2023] EWHC 303 (Admin)** it was held that, whilst a complete failure to consider representations would be a “procedural impropriety”, anything less would not. Having considered the Notice of Rejection, I am satisfied that there was consideration of the Appellant’s representations. It follows that there was not a complete failure and therefore, there has been no procedural impropriety.

15. In all the above circumstances, I must refuse the appeal.

Adjudicator Dodd

Adjudicator

26/02/2026