



Appeal Decision

Site visit made on 5 September 2023

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/G4240/W/23/3318038

Two Trees Lane, Tameside M34 7RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/01002/NCD, dated 6 October 2022, was refused by notice dated 30 November 2022.
 - The development proposed is described as 'Proposed 5G 16m telecoms installation: H3G street pole and additional equipment cabinets.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

Main Issue

3. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site comprises an area of pavement on the northern side of Two Trees Lane. Whilst the locality is predominantly residential in character, the appeal site is located adjacent to a landscaped area of open space. Although there are some streetlights and mature trees nearby, this stretch of Two Trees Lane is open in nature.
5. The proposed site plan shows the monopole, which would be approximately 16 metres high, and equipment cabinets to be positioned at the back edge of the footway. Nonetheless, the proposed mast would be appreciably taller, bulkier and more prominent than the nearby street lighting columns. Furthermore, Two Trees Lane is a relatively long and straight road, and the proposed mast would be readily apparent from long distances in the approach from either direction. Whilst the trees would offer some screening and soften the appearance of the monopole, this element of the proposal would project above them and be clearly visible, particularly at times when the trees would not be in leaf.

6. As such, the proposed mast would be prominent in views through the area including from nearby residential streets and properties. Irrespective of its grey colour, the proposed monopole's excessive height and greater bulk would result in a dominant and visually obtrusive feature. Furthermore, although the section of pavement is relatively wide, an element of perceived visual clutter at low level would also be introduced through the siting and amount of the ancillary equipment cabinets.
7. In light of the above, I therefore find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area.

Other Considerations

8. I am mindful of the economic and social benefits of providing and enhancing electronic communication infrastructure. The National Planning Policy Framework (the Framework) advises that advanced, high-quality and reliable communication infrastructure is essential for economic growth and social well-being, and that the expansion of electronic communication networks, including next generation mobile technology (such as 5G), should be supported. I have also had regard to the communication from the Department for Digital, Culture, Media and Sport, and note that there is not any contention between the main parties of the benefits to mobile connectivity and the network (access and speed) to a multitude of users, devices, services and sectors.
9. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.
10. Paragraph 117 of the Framework also advises that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.
11. The Council accept that there are no suitable existing telecommunication installations for the operator to share, or buildings that the operator could utilise for their equipment. The appellant has also submitted a list of 6 alternative sites that have been investigated and discounted. However, many of the reasons given for dismissing the alternative sites are vague, referring to 'unsuitable pavements and visibility splay issues', such that they cannot be fully scrutinised. The Council's delegated officer report also suggests alternative sites for the proposal along other parts of Tatton Road which have not been explored. No robust justification has been provided by the appellant to demonstrate why these suggested alternative sites would not be suitable.
12. Furthermore, the cell coverage maps for the proposed installation are not before me. As such, I am not in a position to fully review the appellant's conclusion on this matter or be satisfied that less harmful alternative sites are not available as I am unable to be certain of the limits of the search area. As a result, I afford the lack of identified alternative sites limited weight in favour of the scheme.

Other Matters

13. It has been put to me that the site would not have an adverse effect on residential amenity. I have also been made aware that it would not be located in a conservation area or close to any trees covered by a Tree Preservation Order. However, these matters did not appear to be contentious in the appeal and the absence of harm in these respects, would be neutral factors, that do not weigh in favour of the proposal.
14. It has also been put forward that a pre-application enquiry was submitted for this scheme and that Ward Members were also notified of the proposal. However, this has not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me.

Planning Balance and Conclusion

15. Having regard to all relevant considerations, including national planning policy and the potential availability of alternative sites, I consider that the benefits of the installation in terms of the enhancement of the telecommunications network, including its contribution to economic growth and social wellbeing, and the operational and locational needs of the operators do not outweigh the significant harm arising to the character and appearance of the area. Accordingly, the proposal would not deliver sustainable development.
16. For the reasons given above the appeal is therefore dismissed.

Mark Caine

INSPECTOR