



Appeal Decision

Site visit made on 5 December 2023

by **M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 15 January 2024

Appeal Ref: APP/G4240/W/23/3314587

Grange Road street works, Grange Road, Tameside SK14 2SH

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Thomas Gallivan on behalf of CK Hutchison Networks (UK) Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/01000/NCD, dated 6 October 2022, was refused by notice dated 30 November 2022.
 - The development proposed is 5G telecoms installation: H3G 16m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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. I have determined the appeal on the same basis.

Planning Policy

3. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies C1 and U2 of The Tameside Unitary Development Plan Written Statement, Adopted Plan, November 2004, are material considerations as they relate to issues of siting and appearance, including with regard to the built environment and telecommunications. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes sections on supporting high quality communications.
5. Whilst a revised version of the Framework was published in December 2023, the relevant section on Supporting High Quality Communication remains unchanged apart from paragraph numbering. Thus, it has not been necessary to request observations from the main parties upon any implications of the revised Framework's publication.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

Character and appearance

7. The site on which the proposed pole and cabinets would be located is a large, semi-circular area of pavement. The proposal would be sited in front of concrete panel fencing, which is the boundary of a sports field within the grounds of a leisure centre.
8. It adjoins a roundabout at the centre of four roads. Surrounding the roundabout on three sides are areas of housing. These are largely traditional houses, two-storey in height, although on one side of the roundabout there are also bungalows. Further, two opposing sides of this roundabout have large, irregular shaped, grass verges located in front of pairs of semi-detached housing.
9. The 16-metre pole and equipment cabinets would be located on an area of tarmac where there are no other structures apart from some road signs. The monopole would be taller than anything nearby. Whilst the land rises slightly along Walker Lane, the immediate area around the roundabout is flat and open. This is particularly relevant as the housing around the site is set back from the road and the area to the rear of the proposed site is open. Although there are some telegraph poles in the vicinity of the site, the only other vertical structures are lamp posts, which are significantly lower than the proposed monopole. Moreover, the backdrop to the site would be the adjoining leisure centre, a squat building with a low roof and a raised pinnacle at the centre.
10. Although the appellant has sought to reduce the visual impact by locating it close to lamp posts and trees, the trees, which are in the sports ground, are small, and at the time of my visit were not in leaf and provided no screening.
11. The appellant contends that the equipment is designed for urban locations, and it would be sited alongside a public road where poles and cabinets are often found. Indeed, the installation would be grey, with a simple and functional appearance to promote that it blends in with its surroundings. However, as there is no tall street furniture in this location, it would appear dominant on this open site, where there is no appropriate screening. I noted that there were high lamp posts in the grounds of the leisure centre, but these are some distance from the proposed monopole. The monopole would, therefore, be visible to those approaching the site from surrounding roads and would stand out as the tallest feature in the area. Since this is largely residential, it would appear intrusive and incongruous in this location. Further, the associated ground-level equipment cabinets would, albeit to only a minor degree, exacerbate these adverse effects by introducing readily visible clutter to the streetscene.
12. Therefore, even though the site is not located in a conservation area or subject to any other specific constraints, I conclude on this main issue that the

proposal would be visually intrusive and have an adverse effect on the character and appearance of the area.

The availability of alternatives

13. I accept that the position of the newly proposed equipment would need to complement the existing network to promote continuous network cover, and that the monopole has been designed with a 16m height for the purposes of ensuring network coverage improvements. Moreover, the search area that was identified for the purposes of site selection was necessarily constrained in size – with the intended equipment needing to be positioned close to a tightly drawn area in the locality of where Grange Road meets Walker Lane.
14. However, whilst alternative sites were considered and discounted as part of the appellant's site selection process, detailed supporting information to fully corroborate that an exhaustive search of all possible sites was undertaken and that potential alternatives were discounted on reasonable grounds is not before me.
15. For example, five of the six alternative sites considered have been discounted because of unsuitable pavements/grass verges and visibility splay issues but it has not been clearly illustrated why these identified matters rule out potential development. Furthermore, one grass verge option has been discounted, in part because it is in a residential area, but such a constraint would not dissimilarly apply to the chosen site. In any event, no detailed evidence to clearly justify why these locations have been discounted is before me. As a further example, in the context of a specific suggestion raised by the Council, it has not been confirmed that possible options within the expansive grounds of the adjacent leisure centre, and thus setback from the streetscene and residential areas, have been explored and ruled out.
16. Thus, on the basis of the evidence before me, the need for the proposed installation to be sited as proposed does not outweigh the significant harm I have identified that would be caused to the character and appearance of the area by virtue of its siting and appearance.

Other Matters

17. Reference has been made by the appellant to an appeal decision for telecommunications installation¹, including a 20-metre monopole, which was allowed. However, that decision relates to a different local authority area where a different host character and appearance would have been in place. Moreover, that appeal decision does not set a precedent for allowing the proposal now before me which I must consider upon its own individual merits.
18. Reference has been made to various social and economic benefits and I acknowledge that the Framework makes it clear that advanced, high quality and reliable communications infrastructure are essential for economic growth and social well-being. However, my considerations have necessarily focussed upon matters of siting and appearance.

¹ APP/A5840/W/20/3254830

Conclusion

19. For the reasons given above, the appeal is therefore dismissed.

M J Francis

INSPECTOR