



Appeal Decision

Site visit made on 25 October 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2022

Appeal Ref: APP/G4240/W/22/3298511

Land at end of Foundry Street, Foundry Street, Dunkinfield SK16 5PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Cornerstone and Telefonica UK Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 21/01168/NCD, dated 31 August 2021, was refused by notice dated 9 November 2021.
 - The development proposed is the proposed installation of a 17.5m monopole supporting 6 no antenna, 1 no dish, together with the installation of 2 no equipment cabinets and ancillary development thereto.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the proposed installation of a 17.5m monopole supporting 6 no antenna, 1 no dish, together with the installation of 2 no equipment cabinets and ancillary development thereto at Land at end of Foundry Street, Foundry Street, Dunkinfield SK16 5PH in accordance with the terms of the application Ref 21/01168/NCD, dated 31 August 2021 and the plans submitted with it including: Site Location Maps Drawing No. 100 Rev A dated 29 June 2021; Existing Site Plan Drawing No. 200 Rev A dated 29 June 2021; Proposed Site Plan Drawing No. 201 Rev B dated 29 June 2021; Existing Site Elevation Drawing No. 300 Rev A dated 29 June 2021; Proposed Site Elevation Drawing No. 301 Rev A dated 29 June 2021.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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. My determination of this appeal has been made on the same basis.
3. The Council requested that plans were amended to include an area of hardstanding. Plans were submitted with the appeal incorporating this change. I am satisfied these are minor alterations and, as part of the appeal, the Council have had the opportunity to provide comments. As such, and having regard to the Wheatcroft

principles¹ and guidance², I am satisfied there is no risk of prejudice if I take the amended plans into account. I have therefore determined the appeal on this basis.

Planning Policy

4. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. 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

6. The site is a grass verge on Foundry Street, adjacent to residential properties. It is bounded to the north by a supermarket with floodlights and vertical signage, and to the south by the carriageway and dwellings in Jura Close. A regular arrangement of streetlights lines the carriageway, along with a cluster of trees by the site. A mast is located at the opposite end of Foundry Street. The proposal is an upgrade to the service provided by this mast, which is shared with, and would continue to be used by, another operator.
7. While there are limited direct views of the site from nearby dwellings, it remains readily visible from the main carriageway, where it reads as an open and exposed grassed area among the surrounding uses. Due to its position at this site, clear views of the proposal would remain for pedestrians and vehicular users of the carriageway, including long distance views in both directions.
8. Although sited among lampposts, the monopole would be notably greater in height with additional bulk due to its antennas. While necessary for technical and operational reasons, this height and bulk would result in the proposal appearing unduly prominent in the area, with little screening offered by nearby trees. Viewed in the context of the adjacent residential properties, the monopole would appear incongruous, towering above the dwellings and at odds with the immediate residential character of this section of Foundry Street, to which it is particularly near.
9. Two cabinets are also proposed, designed to have a similar appearance to other service boxes. While these could be installed as permitted development the appeal before me relates to the scheme in its entirety and I am not persuaded of a greater than theoretical possibility of the cabinets being installed independent of the rest of the proposal. As such, despite their design, when combined with the monopole they would create a level of clutter in an area of highway that currently provides a visual break in built form. Overall the proposal would appear disruptive to the immediate character of the site and read as visually jarring and out of place.

¹ Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

² 'Procedural Guide Planning Appeals – England'

10. However, the wider area is characterised by a range of uses and, from certain viewpoints, the proposal would also be experienced against the commercial backdrop of the supermarket and car park. In addition, while it would be set back from, and differ in shape and design to, the signage, floodlights, and existing mast, it remains that a variety of vertical structures are present in the vicinity. The proposal, as a result of its prominent position, scale of the monopole, and introduction of development in an open space, would remain a dominant feature. However, nearby commercial uses and vertical development would go some way to assist in assimilating it within the surrounds, reducing the overall level of visual harm caused.
11. The appellant refers to a decision³ relating to a similar development close to the site, which the Inspector concluded would not have a detrimental effect on the appearance of the street. However, I note that this is in a less open and exposed area than the appeal site, surrounding by a greater variety of street furniture. Each proposal must be assessed on its own site specific circumstances and reference to development nearby carries little weight.
12. For the above reasons, I therefore conclude that the siting and appearance of the proposal would result in a moderate level of harm to the character and appearance of the area.

Suitable Alternatives

13. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. This is acknowledged by other appeal documents provided⁴. Furthermore, the Framework is clear that planning decisions should support the expansion of electronic communications networks. The area does not have a 5G service, which would be addressed by the proposal. It would enhance communication facilities to meet current and future demand. Accordingly, the economic and social benefits of the proposal, particularly as a result of the COVID-19 pandemic increasing network reliance, are acknowledged and attract significant weight.
14. Paragraph 117 of the Framework states that applications such as this should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
15. The appellant has set out the sequential approach followed. It has considered upgrading the existing mast, which would result in a taller and bulkier structure than the proposal that would result in a greater level of visual harm. As it is replacing the existing service, the proposal must provide coverage in the same area but be at least 30 metres from the mast to prevent interference. Sites within this range have been considered and discounted with reasonable justification. The Council has raised no concerns regarding the sequential approach and has suggested no further sites. Accordingly, there is no evidence to indicate suitable alternative sites.
16. I have concluded that the siting and appearance of the proposal would result in a moderate level of harm to the character and appearance of the area. However, the appellant has adequately investigated the possibility of alternative sites, concluding that none exist. Along with the social and economic benefits of the proposal, this

³ APP/G4240/W/21/3268575

⁴ Ofcom Online Nation 2021 Report; Ofcom Online Nation 2020 Summary Report; Local Government Association A Councillor's Guide to Digital Connectivity; National Needs Assessment; DDCMS & MHLG 'Collaborating for digital connectivity' 2019; DDCMS Future Telecoms Infrastructure Review

attracts significant weight in favour of the scheme given the importance attached to supporting the expansion of electronic communications in the Framework.

17. Overall, I consider that the absence of a suitable alternative site means that the need for the installation to be sited as proposed taking into account any suitable alternative outweighs the moderate harm that would occur to the character and appearance of the area due to the siting and appearance of the proposal.

Conditions

18. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the Local Planning Authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
19. The appellant has suggested that the colour of the proposal could be amended. However, the GPDO 2015 does not provide any authority for imposing additional conditions beyond those within Class A of Part 16. It would not therefore be reasonable to impose such a condition.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

C Rafferty

INSPECTOR