



Appeal Decision

Site visit made on 2 May 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2023

Appeal Ref: APP/G4240/W/23/3314454

Ashton Moss Junction Street Works, Ashton Moss Junction, Audenshaw M34 5WP

- 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 appeal is made by Thomas Gallivan (CK Hutchison Networks (UK) Ltd) against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/00995/NCD, dated 6 October 2022, was refused by notice dated 24 November 2022.
 - The development proposed is a 5G telecoms installation: H3G 17m street pole and additional equipment cabinets.
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Decision

The appeal is dismissed.

Procedural Matters

1. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 account of any representations received. My determination of the appeal has been made on the same basis.
2. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO, do not require regard to be had to the development plan. I have nevertheless had regard to the policies of the Tameside Unitary Development Plan Written Statement 2004 (UDP), and the National Planning Policy Framework (the Framework), in so far as they are a material consideration relevant to matters of siting and appearance. Although the appellant suggests the 2019 version of the Framework is applicable to the appeal scheme, it was last updated in July 2021. For the avoidance of doubt, it is this most recent version that I have had regard to in my decision.
3. The appellant's statement refers to the proposal including a 17m mast with wraparound cabinet at the base and 3 additional equipment cabinets. This contradicts the number and form of the cabinets shown in the submitted plans.¹ For the avoidance of doubt I have assessed the development as shown on the submitted plans.

¹ Proposed site plan and elevations drawing numbers TMS21258_TMS134_88544_M1298_GA_REV_B Issue B.

Main Issues

4. 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 that harm would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

Character and Appearance

5. The appeal site comprises an area of pavement adjacent to a low stone wall alongside Audenshaw Road (B6390). It lies on the edge of the residential area of Audenshaw and to the north of the Audenshaw Reservoir. The grassed embankment to the raised reservoir, in combination with the trees that follow the line of the road, contribute positively to the verdant and spacious character of the street scene in this location.
6. Vertical features are present within the vicinity of the appeal site including streetlights, highway signs and trees. The existing street furniture is however, of modest height. The dwellings opposite are also predominantly small-scale 2-storey buildings. Whether or not such structures are designed to be installed upon pavements and are common in urban areas, in this case the proposed height of the mast at 17m would be taller than the existing vertical structures already present, including mature trees, greater in thickness and a noticeably different shape. It would therefore be out of context with the surrounding low-scale forms of development as described above.
7. Audenshaw Road is relatively straight to the west of the appeal site, such that drivers of approaching vehicles would have a clear line of sight of the proposed mast for some distance and slightly downhill. The trees which run along the rear of the boundary wall would provide a backdrop to the lower part of the mast in such views, particularly when in leaf. They would also provide some visual context in views from the east which are more immediate when emerging from underneath the railway line.
8. However, the proposed mast and the associated equipment cabinets would be light grey in colour, contrasting with the dark colours of the wall, trees and the streetlights which for the most part are coloured black. The proposed colour would accentuate the alien appearance and height of the mast and draw attention to the equipment cabinets, such that the trees and wall would not mitigate the visual impact. They would stand out more starkly particularly when the trees are not in leaf. I find that the mast and the associated equipment cabinets have not been sympathetically designed or camouflaged and would not appear discreet as a result.
9. In considering the need for the proposal, Government policy as set out in the Framework, recognises that advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. I have also noted the 'Collaborating for Digital Connectivity' communication from the Department for Digital, Culture, Media and Sport which the appellant has referred me to. I recognise that there is a need to support the expansion of electronic communications networks, including the specific support for 5G infrastructure. This is likely to have positive economic benefits for local

residents and businesses including facilitating growth and I attach considerable weight to these benefits accordingly.

Availability of Suitable Alternatives

10. An assessment of 6 other potential locations has been made but it is relatively limited and does not appear to have considered siting apparatus on existing buildings, as required by the Framework, nor sites on private land. The reasons given for dismissing the alternative sites are vague, referring to 'unsuitable pavements and visibility splay' issues and are not therefore interrogable. It is not readily apparent why proximity to a railway line would preclude the installation of a mast at location D5.
11. I note from the Council's officer report that a meeting was to be held to find alternative sites for the proposal. No further information has been supplied from either party to indicate the outcome of such a meeting, if it has taken place. Therefore, even with a confined cell search area, from the evidence before me, I cannot be certain that more suitable sites are not reasonably available, and that the chosen location is the least harmful in its visual effects.
12. For the foregoing reasons, I conclude that the proposed mast would represent an intrusive addition to the street scene, resulting in significant harm to the character and appearance of the area, that is not outweighed by the need for the installation to be sited as proposed, and its social and economic benefits. In so far as they are material considerations, the proposed mast would conflict with Policies U2 and C1 of the UDP. These policies amongst other things, collectively require new development, including telecommunications, to be sited to minimise visual impact in relation to the existing townscape. There would also be conflict with paragraphs 115 and 130 of the Framework, which seek to keep the environmental impact of new telecommunications development to a minimum through sympathetic design.

Other Matters

13. The appeal site is not located within a conservation area or subject to any other constraints. This is a neutral matter that does not alter my view on the acceptability of the proposed siting and appearance of the proposed mast for the reasons given above.
14. The appellant undertook pre-application consultation with the Council and notified the ward members. The Planning Practice Guide is clear that pre-application advice cannot pre-empt the democratic decision-making process, or a particular outcome in respect of a formal planning application.

Conclusion

15. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

M Clowes

INSPECTOR