



## 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: 18 May 2023**

---

**Appeal Ref: APP/G4240/W/23/3314551**

**Holland Street West Street Works, Tameside M34 3GE**

- 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 Mr Cameron Wilson (CK Hutchison Networks (UK) Ltd) against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 22/01001/NCD, dated 6 October 2022, was refused by notice dated 30 November 2022.
  - The development proposed is 5G 18m telecoms installation: H3G street pole and additional equipment cabinets.
- 

### 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) (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.
3. 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.
4. The appellant's statement refers to the proposal including an 18m mast with wraparound cabinet at the base and 3 additional equipment cabinets, despite this not being what is shown on the supplied plans.<sup>1</sup> For the avoidance of doubt, my decision is based on the proposal indicated in the submitted plans.

### 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

---

<sup>1</sup> Proposed site plan and elevation drawing numbers TMS21257\_TMS141\_88612\_M1297\_GA\_REV\_A Issue A.

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*

6. The appeal site comprises an area of pavement adjacent to an undeveloped parcel of land contained by a green palisade fence, close to the intersection of Foxhall Road, Holland Street West and Manchester Road North (A57). It sits on the edge of an industrial estate and to the south of a residential area. The M67 also lies to the south. The area is therefore mixed in character.
7. Nearby buildings consist primarily of 2-storey dwellings and commercial premises. Streetlights are also present within the vicinity of the appeal site and are coloured grey, similar to the proposed colour of the monopole mast. However, they are low-level, being circa 6m in height.<sup>2</sup> The proposed 18m mast would tower above the tallest structure in the street scene by a sizeable margin, including the neighbouring 3-storey commercial building, indicated on the submitted plans to be circa 10m to the ridge of the roof. The mast would also be greater in thickness and a noticeably different shape to the existing streetlights. The proposed mast would therefore become a dominant and highly prominent vertical feature, at odds with the scale of the surrounding development.
8. Although the A57 is a dualled one-way road, the mast, due to its height, would nonetheless be experienced by passing motorists and pedestrians for some distance, given the road's relatively straight alignment. Elevated views from the M67 would also be possible in which it would breach the skyline. Whilst there are some trees to the east of the appeal site on a small area of open space, they would provide only a partial backdrop to the lower level of the proposed mast when in leaf, and only in approaches from the west. Due to the vacant plot of land to the rear, there would be no comparable backdrop for pedestrian views from the east, given the separation distance to the nearest buildings.
9. The proposed equipment cabinets would be of a relatively low-scale. Although such structures are a typical piece of street furniture, the proposed light grey colour would accentuate their presence, rather than helping their assimilation against the backdrop of the dark green palisade fence. I find that the mast and the associated equipment cabinets have not been sympathetically designed or camouflaged such that they would blend into their surroundings.
10. 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, but predates the Framework. 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 and social benefits for local residents and businesses. However, other than the appellant's assertion that the

---

<sup>2</sup> As indicated on the submitted plans drawing numbers TMS21257\_TMS141\_88612\_M1297\_GA\_REV\_A Issue A.

proposal would enhance 5G coverage, there is no substantive evidence before me of the existing coverage, or a lack thereof, in this particular location. In light of this, modest weight is afforded to these benefits.

#### *Availability of Suitable Alternatives*

11. An assessment of 6 other potential locations has been made, but the reasons given for dismissing the alternative sites are evasive, referring to 'unsuitable pavements and visibility splay' issues, such that they cannot be fully scrutinised. In addition, the alternative site selection does not appear to have considered siting the proposed apparatus on existing buildings or on private land such as the adjacent industrial estate, as required by the Framework.
12. The Council's officer report suggests an alternative site for the proposal on the extended pavement adjacent to the connecting road between Holland Street and Manchester Road North. No robust justification has been provided by the appellant as to whether the alternative site suggested by the Council would not be suitable. Consequently, on the evidence before me, I am not persuaded that less harmful alternative sites are not suitable or available within the locality.
13. For the above reasons, I conclude that the proposed mast would represent a conspicuous 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 modest 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**

14. The lack of environmental designations and location of the proposal outside of any conservation area, does not justify the harmful impact on the character and appearance of the area arising from the siting and appearance of the proposed installation.
15. Pre-consultation is said to have occurred with the Council and ward members before the submission of the prior approval application. However, there is no evidence before me to indicate whether the Council had the opportunity to respond. Even if it did, the Planning Practice Guidance 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.<sup>3</sup>

#### **Conclusion**

16. The harm arising from the siting and appearance of the proposed installation on the character and appearance of the area, would not be outweighed by the need for the installation to be sited as proposed, considering the potential for suitable alternatives. The appeal is dismissed.

*M Clowes* - INSPECTOR

---

<sup>3</sup> Paragraph: 011 Reference ID: 20-011-20140306.