
Appeal Decisions

Site visit made on 20 September 2016

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28th September 2016

Appeal A - Ref: APP/N4720/W/16/3151114

Great Preston Snooker and Sports Club, Berry Lane, Great Preston, Leeds, LS26 8AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.
- The appeal is made by Cornerstone Telecommunications Ltd against the decision of Leeds City Council.
- The application Ref 16/01275/DTM, dated 26 February 2016, was refused by notice dated 15 April 2016.
- The development proposed is a new 15m shrouded monopole.

Appeal B - Ref: APP/N4720/W/16/3154292

Great Preston Snooker and Sports Club, Berry Lane, Great Preston, Leeds, LS26 8AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.
- The appeal is made by CTIL and Shared Access against the decision of Leeds City Council.
- The application Ref 16/02818/DTM, dated 3 May 2016, was refused by notice dated 24 June 2016.
- The development proposed is the erection of 12.5m shrouded monopole to support 3 no. telecommunications antennae for shared use by Vodafone and Telefonica, which together with the installation of 2 no. dishes and 4 no. ground based equipment cabinets will provide 3G and 4G mobile electronic communication services from the installation.

Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. Appeal A concerns a 15 metre high monopole. Appeal B concerns an alternative 12.5 metre high monopole. Both would support three antennae and two dishes. Four ground based equipment cabinets are also proposed and all the equipment would be painted green. I have dealt with the appeals together unless indicated otherwise in the decision.
3. The appellant is an electronic communications code operator and the proposal benefits from deemed planning permission under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) subject to prior approval by the local planning authority of their siting

and appearance. The appellant applied to the Council on this basis, and approval of the siting and appearance was refused by the Council in both cases for the same reason. The principle of the development, including considerations such as the need for these particular facilities, is not at issue. This has led to my identification of the main issue, which is the same for both appeals, as set out below.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the surrounding area, including the Green Belt.

Reasons

5. The National Planning Policy Framework (the Framework) sets out a positive approach to telecommunications, including applications for prior approval under the GPDO. Paragraph 42 states that advanced, high quality communications infrastructure is essential for economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Paragraph 46 advises that local planning authorities must determine applications on planning grounds. Competition between different operators should not be prevented and the need for telecommunications systems should not be questioned.
6. The site is within the Green Belt and the Council's decision notice refers to Policy N32 of the Leeds Unitary Development Plan Review (UDP) which indicates that the area shown on the proposals map is designated as Green Belt. It also cites UDP Policy N33 which relates to development which will be given approval in the Green Belt.
7. However, since the proposed telecommunications equipment falls within the limits allowed under Class A of Part 16 of the GPDO the only issues to be considered are the siting and appearance of the equipment. Because the principle of development is not a consideration, the question of whether or not the proposal represents inappropriate development in the Green Belt does not arise. In this regard I also note the appellant's reference to an appeal decision¹ elsewhere on this matter where the Inspector found it unnecessary to consider a similar proposal in the policy context of the site's location in the Green Belt. As such, I confirm that I do not regard UDP Policies N32 and N33 to be relevant in this instance.
8. I also appreciate that section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to Class A of Part 16 of the GPDO as it does not require regard to be had to the development plan. Nonetheless, development plan policies are a material consideration insofar as they relate to siting and appearance. Policy P12 of the Leeds Core Strategy (Core Strategy) advises that the character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness. UDP Policy GP5 requires proposals to seek to avoid problems of environmental intrusions and loss of amenity (amongst other things).

¹ APP/R5510/W/15/3133767

9. The proposal would be located on an underused area of hard standing adjacent to the cricket pitch in the south west corner of the grounds of Great Preston Sports and Social Club. This is located between Great Preston and Allerton Bywater and is regarded by the appellant to form part of the wider suburban area. Nevertheless, although there is built development on Berry Lane to the north and Preston Lane to the west, the site is surrounded by open land. It adjoins the cricket pitch immediately to the north and east, a football pitch to the west, and a wider area of open countryside to the south.
10. The pole would be of a slim line design with a width of around 30cm. The shroud to the antennae would be around 50cm wide. I appreciate that the height of the pole in the case of Appeal B has been lowered by 2.5 metres (with the consequent lowering of the proposed dishes on the pole from 10 metres in height to 7.5 metres). That said, even at 12.5 metres in height the proposal would be a tall structure.
11. I understand that its siting has been chosen so as to be further away from surrounding built development than other parts of the site. The proposal would be set well behind the club buildings, well separated from the houses on Berry Lane and Preston Lane and would not be close to these highways or nearby residents. However, as a result, the proposal would be sited in an open and exposed position surrounded by open land and countryside. As such, it would appear unrelated to existing built development.
12. Although there are a number of trees on the southern boundary of the cricket ground immediately adjacent to the proposed siting of the equipment, these have a maximum height of 5 to 6 metres. The proposal, even under Appeal B, would be considerably higher than these relatively low level trees. A good deal of the pole along with the shrouded antennae and the dishes would protrude above them. Thus the trees would not provide any significant screening or back drop to the proposal. Nor are there any other buildings, structures or features of a similar height nearby that would help to assimilate the proposal into its environment. Although local residents refer to the presence of pylons in Whitehouse Lane, these are not in close proximity to the site and do not contribute to its immediate surroundings or context.
13. The proposal would not be adjacent to any public rights of way and close views of it would be limited to those taken by users of the cricket pitch and adjacent football pitch. Although the Council refers to a claimed public right of way which passes in close proximity to the site, I saw no evidence of the use of this route at my visit.
14. Even so, given its height, the proposal would be clearly visible in longer range views from Berry Lane where the cricket pitch has a long frontage which is for the most part open to the road. It would also be evident in some views from Preston Lane including from the rear of the houses there despite the existing tree belt. This would be so even taking into account the intervening distances and the slim line design of the mast. From these vantage points, the proposal would be seen against the backdrop of open fields and the sky. Whilst the use of a green finish would disguise the proposal to some extent against the backdrop of the trees and countryside, this would not be so in views where it would be seen against the sky.

15. Overall, for the reasons given, I consider that the proposal would stand out as an alien feature that would be unduly dominant and obtrusive and appear at odds with the open character of the surrounding area. This would be contrary to Core Strategy Policy P12 and UDP Policy GP5. That the site is not within a designated landscape does not alter my view. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. The question of visual impact is implicitly part of the concept of openness and, to my mind, the proposal's unacceptable visual impact would inevitably lead to a reduction in the openness of the Green Belt (albeit limited). It would also cause harm to the visual amenity of the Green Belt. This would be at odds with paragraph 81 of the Framework which advises that local planning authorities should look for opportunities to retain and enhance landscapes and visual amenity in the Green Belt.
16. I therefore conclude on this issue that the siting and appearance of the proposal would be harmful to the character and appearance of the surrounding area, including the Green Belt.

Other matters

17. The height of the pole in Appeal B is the minimum required on the site in order to meet technical requirements. The proposal would provide network coverage to an area where it is currently poor and is required to improve 3G and 4G technologies in the face of significant increases in demand. There is some support for the scheme from local residents who feel the area is behind the times and welcome the proposal in order to address poor mobile signals, slow broadband speeds and a lack of fibre broadband.
18. The three antennae would be shared by two proposed network operators (Vodafone and 02) and there are recognised benefits to this approach. Wider benefits of the scheme are forwarded by the appellant and include the provision of modern communications for local businesses leading to an increase in local employment opportunities, an improvement in the attractiveness of the area to new businesses, increased coverage for local services and facilities, the allowance of home working (and knock on effects of the reduction in commuting, congestion and emissions) and an overall contribution to the national economy. These are benefits of the scheme which count in its favour and align with paragraph 42 of the Framework which recognises that advanced, high quality communications infrastructure is essential for economic growth.
19. The capital sum paid to the Sports and Social Club to accommodate the proposal would be used to improve and upgrade existing facilities there (including all weather cricket practice nets and a disabled toilet). This would help to support the continuation of the club and would be a benefit to the local community that also adds some weight in favour of the scheme.
20. The appellant has considered alternative sites for the masts and I have no reason to doubt that these are not viable for the reasons stated. Although the Council questions the reasons why consent from some landowners was declined and what attempts were made to contact owners, it does not dispute the appellant's findings or propose further alternative sites for investigation. The lack of suitable alternative sites also counts in favour of the proposal.

21. However, even taken cumulatively these benefits of the proposal are insufficient to outweigh the harm that would be caused to the character and appearance of the surrounding area, including the Green Belt.
22. Despite the concerns of local residents, the appellant confirms that the proposal would meet International Commission guidelines for public exposure. Paragraph 46 of the Framework advises that planning authorities should not seek to determine health safeguards in such circumstances. The Council raises no objections in this regard and whilst I note the concerns of local residents, a dismissal of the scheme on health grounds would not be justified.

Conclusion

23. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR