
Appeal Decision

Site visit made on 14 February 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/N4720/W/16/3163871

Beechgrove Farm, Wetherby Road, Scarcroft, Leeds, LS14 3HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cornerstone Telecommunications Infrastructure Ltd against the decision of Leeds City Council.
 - The application Ref 16/02254/FU, dated 14 April 2016, was refused by notice dated 10 June 2016.
 - The development proposed is the installation of a 16m high column with 6 antennas, 2 equipment cabinets and 1 meter cabinet located adjacent to the column at ground level within a timber fenced compound together with ancillary development.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 16m high column with 6 antennas, 2 equipment cabinets and 1 meter cabinet located adjacent to the column at ground level within a timber fenced compound together with ancillary development at Beechgrove Farm, Wetherby Road, Scarcroft, Leeds, LS14 3HQ in accordance with the terms of the application, Ref 16/02254/FU, dated 14 April 2016, subject to the conditions in the attached Schedule.

Main Issues

2. The appeal site is in the Green Belt so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework;
 - The effect of the development upon the openness of the Green Belt;
 - The effect of the development upon the character and appearance of the countryside.
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not the development would be inappropriate

3. Paragraph 89 of the National Planning Policy Framework (the Framework) regards the construction of new buildings as inappropriate in the Green Belt
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unless the building falls into one of the listed exceptions of which telecommunications development is not included. Other forms of development that are also not inappropriate are listed in Paragraph 90 but the proposal does not fall into any of these categories either. Therefore the proposal would be inappropriate development in the Green Belt. Policy N33 of the Leeds Unitary Development Plan Review (UDP) also sets out categories of development that might be allowed in the Green Belt and the proposal does not fall into any of them.

4. Consequently, the proposed development should be regarded as inappropriate development in the Green Belt. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. UDP Policy N33 is consistent with paragraph 87 in this respect. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Openness

5. The proposal would introduce a very small amount of built development where currently none exists which would result in limited harm to the openness of the Green Belt and conflict with the Framework.

Character and Appearance

6. The site is within a Special Landscape Area. The pole would be 16m high and would have 3 equipment cabinets at its base. The tallest cabinet would be about 1.5m high. Given the low height of the cabinets and because they would be located alongside existing hedges at the corner of the field, they would have very limited visibility in the wider landscape. Furthermore, a condition can require that they are screened by planting.
7. The pole however, being substantially taller than the boundary hedges, would be seen in long ranging views from the wider countryside and from the main road adjacent to the field. The pole would be a somewhat obtrusive man-made feature within the countryside landscape.
8. I therefore find some harm to the character and appearance of the countryside. Consequently, the proposal would conflict with UDP Policies GP5, N33, N37 and N37A which aim to protect character and appearance, including within designated Special Landscape Areas and the countryside.

Other Considerations

9. Vodafone and Telefonica have extremely poor indoor 2G and 3G coverage in the village of Scarcroft and the surrounding area. Furthermore, these operators need to provide new 4G coverage which is virtually non-existent for large parts of the area. The Parish Council has expressed support for the proposal saying that phone reception is not good.
10. Paragraph 42 of the National Planning Policy Framework says that advanced, high quality communications infrastructure is essential for sustainable economic growth and that the development of communications networks also plays a vital role in enhancing the provision of local community facilities and

services. The development would therefore have an acknowledged economic and social benefit.

11. The appellant has considered a number of other sites. However, these have all been discounted for reasons of having a greater visual impact; adverse impact upon the Scarcroft Conservation Area; lack of permission from a land owner and technical difficulties relating to installation. The Council does not dispute these findings.
12. There are two existing installations in the wider area (Shadwell and Bardsley) but these are not suitable for use because they are too far away to provide the coverage to the target area.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances

13. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be accorded substantial weight. In addition, limited harm would result from the reduction in the openness of the Green Belt and to the character and appearance of the area and I give these matters some weight against the proposal.
14. On the other hand, the Framework states the importance of high quality communications infrastructure in respect of the economy and community. The appellant has demonstrated the need for the installation and I therefore accord the public benefits of the proposal and lack of alternative sites more than substantial weight.
15. I conclude that, when taken together, the public benefits of the proposal would clearly outweigh the harm to the Green Belt and to the character and appearance of the area, and would amount to very special circumstances sufficient to justify permitting the proposal. The development therefore accords with the Framework and UDP Policy N33.

Conditions

16. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition, it is necessary, in the interests of precision to define the plans with which the scheme should accord. Conditions concerning colour, landscaping and removal of the apparatus once it becomes redundant are necessary in the interests of visual amenity.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

Siobhan Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 301 A; 201A; 101A; 100A.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of soft landscaping. This shall include planting plans; written specifications (including cultivation and other operations associated with plant establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate, and an implementation programme. The scheme shall be implemented in accordance with the approved details and implementation programme.
- 4) Before the development comes into use, the mast shall be coloured brown and the cabinets shall be coloured green and they shall remain as such thereafter.
- 5) Within 6 months of the telecommunications equipment becoming redundant for its intended purpose a scheme for the removal of the equipment and the restoration of the site, including an implementation programme, shall be submitted to and approved in writing by the local planning authority. The developer shall remove the equipment and complete the approved restoration works within the time agreed in the approved implementation programme.