
Appeal Decision

Site visit made on 8 May 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 19th May 2017

Appeal Ref: APP/W4325/W/16/3166146

West Kirby AFC, Greenbank Road, West Kirby CH48 5HL

- 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 Shared Access against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/01255, dated 15 September 2016, was refused by notice dated 15 November 2016.
 - The development proposed is the installation of 5 no. floodlight poles at 15m in height and one combined floodlight and telecommunications pole at 17.5m in height.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issues in the appeal are:
 - whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the *National Planning Policy Framework* (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - 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 inappropriate development and the effect on openness

3. Paragraphs 89 and 90 of the Framework set out the forms of development that are not inappropriate within the Green Belt. The Framework establishes in paragraph 89 that new buildings within the Green Belt are inappropriate unless they are for one of a small number of exceptions. The second bullet point of this paragraph allows the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt, and does not conflict with the purposes of including land within it.
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4. Policy GB2 of the *Wirral Unitary Development Plan (adopted February 2000)* (WUDP) seeks to control development in the Green Belt, and sets out the forms of development that are not inappropriate. This allows the provision of essential facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the Green Belt, and does not conflict with the purposes of including land within it. In only allowing essential rather than appropriate facilities for outdoor sport and recreation, Policy GB2 places additional restrictions on such developments. As such it is not fully consistent with the Framework. In such circumstances, paragraph 215 of the Framework indicates that policies in existing plans should be given less weight.
5. The Framework does not provide any definition of what constitutes “appropriate facilities”. As a result this is a matter of judgement for the decision maker. Whilst the appellant has highlighted that former national guidance did provide some examples of what could be considered acceptable, as this advice does not form part of the Framework, I give it little weight.
6. The proposal is for 5 floodlight poles and one combined floodlight and telecommunication pole. A telecommunications mast does not fall into any of the exceptions listed in paragraph 89 of the Framework, and so is considered to be inappropriate development. Whilst the floodlighting columns, which would be directly related to the use of the pitch, could be considered to be an appropriate facility for outdoor sport, I am not persuaded that the joint floodlight and telecommunications mast can be considered to be such.
7. However, even if it were, to fall within the exception in paragraph 89 of the Framework, as well as being an appropriate facility for outdoor sport, the development must also not have a greater impact on the openness of the Green Belt, and the purposes of including land within it.
8. Openness is an essential characteristic of the Green Belt. It can be considered as the absence of buildings or development. The 5 floodlight columns would each be around 15m in height, and the joint floodlight and telecommunications pole which would be around 17.5m in height, would include 3 panel antennae and 2 dish antennae. In addition, 7 equipment cabinets would be located either side of the latter. Notwithstanding their slim-line design and modest footprint, the height and form of the columns, together with the ancillary cabinets, would represent a depletion of the openness of the site.
9. The purposes of including land in the Green Belt are set out in paragraph 80 of the Framework. The Council have not suggested that the proposal would be contrary to any of these, and from the evidence before me and my own observations, I am satisfied that this is the case.
10. However, notwithstanding my conclusion regarding the purposes of Green Belt, even if the proposal were to amount to appropriate facilities for outdoor sport, as suggested by the appellant, it would still be inappropriate development because it would have a greater impact on the openness of the Green Belt.
11. Consequently, in not complying with any of the listed exceptions, the proposal would be inappropriate development in the Green Belt. According to paragraph 87 of the Framework this is, by definition, harmful to the Green Belt, and should only be approved in very special circumstances. In addition, there would be a degree of harm arising from the loss of openness. The scheme would also be contrary to Policy GB2.

Character and Appearance

12. The appeal site forms part of the sporting facilities associated with West Kirby Football Club that comprises pitches and training areas, a clubhouse, changing facilities and a car park. The complex is surrounded by high fencing and one of the training pitches has some floodlighting that is approximately 8m in height. The surrounding area is varied, with residential uses to the south of the site, and open land in a variety of uses in the other directions.
13. The proposed mast and floodlighting columns would be considerably taller than the any other natural, or man-made, structure in the vicinity, including the existing floodlighting on the site and street lighting in the area. Although set back from the road, unlike many of the structures on the site, they would be clearly visible from this, and the housing rising up the hillside opposite. The array of antennae on the mast would make this column particularly conspicuous, and the considerable height of all the columns would impinge into the skyline, and appear as incongruous and intrusive features in this area of largely flat and open land.
14. I note that the number of columns is the minimum required to meet the Football Association standard for evening matches, and that a slender design has been chosen for the columns. However, with limited screening available on the site, these considerations do not alter my view regarding the discordant relationship the scheme would have with its surroundings.
15. The position and height of the equipment cabinets is such that they would only be seen from within the site. Nevertheless they would appear as incongruous features at the side of the pitch, and would have an urbanising effect on what is otherwise a relatively soft margin to the playing area.
16. Therefore, I consider the proposed development would unacceptably harm the character and appearance of the area. Accordingly it would conflict with Policies TEL1 and TE1 of the WUDP, which requires that telecommunication development is sited and designed to minimise its effect upon amenity. Whilst the reasoned justification may indicate that Areas of Special Landscape Value are the most important areas of countryside within the Green Belt, the policy does not indicate that consideration of the environmental impact of telecommunication proposals is only applicable in such areas.

Other Considerations

17. The proposed development is required to maintain and improve 2G, 3G and 4G coverage and capacity in the area following the decommissioning of an existing mast. This would weigh in favour of the appeal scheme to a considerable degree. In addition, the mast would be shared by two operators, which accords with the Framework in respect of sharing masts and avoiding their proliferation.
18. I note the appellant has carried out an extensive site selection process which has considered mast sharing, upgrading existing masts, use of existing buildings and structures, as well as new sites. However, as highlighted by the Council, 3 of the 5 new sites were discounted only because it was considered that a lack of response from the site provider indicated that the site was unavailable. Moreover, another was discounted due to potential visual effect, but the absence of any substantive details prevents any assessment of the

comparative visual effect with the appeal site. So, although the site selection process favours the proposal, I only give it moderate weight, as I am not satisfied that a less harmful and acceptable alternative site could not be found.

19. The appeal scheme would benefit the football club by enabling greater use of the facilities for both training and matches, particularly during the winter months. However, there is no evidence that the floodlights are in any way essential for either training or matches which at present are obviously enabled in other ways. Whilst I note the government objective to increase participation in sport, the floodlighting would not necessarily achieve this just because it would enable an intensification in the use of the facilities on the site. As such, I give this benefit only limited weight.
20. Furthermore, although it is suggested that the telecommunication equipment would be of an innovative design, no specific details regarding what makes it innovative is provided. Even if this is considered to be the case, this does not alter my view that the proposal would be detrimental to the character and appearance of the area.
21. The appellant has indicated that the General Permitted Development Order allows standalone masts of up to 25m in the Green Belt. Be that as it may, the appeal scheme is not a standalone mast but part of a scheme that requires planning permission. Moreover, the prior approval process for standalone masts enables consideration of both siting and appearance, and so masts considered to be visually intrusive may be considered unacceptable.
22. The evidence shows that the height and design of the floodlighting would ensure there would be no light spillage. In addition, the appellant has confirmed that the proposal has been designed to comply with the International Commission on Non-Ionizing Radiation Protection. However, an absence of harm in these matters is a neutral factor.
23. My attention has been drawn to another appeal decision for floodlights in the Green Belt. However, as these were smaller in height and did not include a joint floodlight and telecommunications mast, the circumstances are not directly comparable to those which apply in this appeal. I have in any case, reached my own conclusion on the appeal proposal on the basis of the evidence before me.

Conclusion

24. The appeal scheme would be inappropriate development in the Green Belt which is harmful by definition. It would also result in harm to the openness of the Green Belt, and to the character and appearance of the area. According to the Framework, substantial weight has to be given to any harm to the Green Belt. The other considerations advanced in support of the proposal, whilst in some respects considerable, do not individually or cumulatively clearly outweigh the substantial weight attached to the harm to the Green Belt. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policy GB2 of the WUDP. I therefore conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR