



Appeal Decision

Site visit made on 30 November 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 26 January 2018

Appeal Ref: APP/W4325/W/17/3181440

SW junction of Telegraph Road/Oldfield Drive, Upper Heswall, Wirral, Merseyside CH60 6RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cornerstone Telecommunications Infrastructure Limited (CTIL) and Vodafone Limited against the decision of Wirral Metropolitan Borough Council.
 - The application Ref ANT/17/00486, dated 21 April 2017, was refused by notice dated 8 June 2017.
 - The development proposed is described as the installation of a 17.5m streetworks telecommunications installation, supporting 3no. shrouded antennas and 2no. 0.3m transmission dishes. In addition, the installation of 2no. small equipment cabinets plus a meter pillar at the base of the pole, with ancillary telecommunication development thereto.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address stated on the application form refers to Oldfield Road. However it is clear from the evidence that the appeal site is near to Oldfield Drive and not Oldfield Road and this is reflected in the site address used in the heading above. I have determined the appeal accordingly.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority to assess the proposed development solely on its siting and appearance. My determination of this appeal has been made in the same manner.
4. Having regard to the available evidence the proposal appears to be permitted development under Schedule 2, Part 16, Class A of the GPDO.
5. The appeal site is located in the Green Belt. However as the appeal relates to a refusal to grant prior approval, the principle of development is not a consideration and whether or not the proposal represents inappropriate development is therefore not a matter for me to consider in determining the appeal.

Application for costs

6. An application for costs was made by Cornerstone Telecommunications Infrastructure Limited (CTIL) and Vodafone Limited against Wirral Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

8. The appeal site comprises part of a wide grass verge intersected by a cycle path/walkway adjacent to Telegraph Road (A540) on the outskirts of Heswall. It is located in the Green Belt and near to an Area of Special Landscape Value in an undeveloped area beyond the built up area of Heswall and comprising agricultural fields. The appeal site and surrounding area is largely flat and has a very open character with an absence of any landscaping of a significant height. In addition there is generally an absence of built structures near to the site with the exception of road signs on Telegraph Road and of lamp posts nearer to and within the built up area.
9. The proposed 17.5 metre high telecommunications mast would be significantly taller than any nearby structures or landscaping. Though I acknowledge that the appellants have sought to propose the slimmest mast possible, that it would have a galvanised finish to match the existing street furniture and that by their very nature to be effective masts are required to be taller than surrounding structures, the proposal would nevertheless result in the erection of a visually obtrusive feature that would be significantly harmful to the open and undeveloped character and appearance of the area.
10. The nature and topography of the surrounding area means that the mast would be clearly visible, including in long distance views, from both Oldfield Drive and from Telegraph Road when travelling towards Heswall. Whilst I have had regard to the photomontages submitted and note that in some views the mast would be viewed against a backdrop of the built up area, in other views it would not and its position relative to the built up area and to existing landscape features would not mitigate its visual harm.
11. Though I note that the Council's concerns also extend to the visual impact of the cabinets, I consider that these would not be significantly harmful due to their limited height relative to the adjacent hedgerow and having regard to their limited scale and to the presence of nearby road signage.
12. In reaching my decision I have had regard to the fact that the appellants are seeking to mast share and to minimise the number of masts required to meet demand and to improve the service to customers both in terms of coverage and capacity. I also acknowledge and have had regard to the difficulties that the appellants have faced in finding suitable sites to locate equipment in order to address the gap in coverage in the area. Whilst I accept that the built up nature of Heswall poses some challenges in terms of siting, I am not persuaded by the submitted evidence that a less harmful site within the built up area could not be found or that under the circumstances more than one mast of a lower height would not be preferable and less harmful than the proposal. I note that the appellants appear to have discounted a number of sites within the

built up area but the fact that a mast would be near to residential properties does not in itself mean that that it would have an unacceptable visual impact and ought to be discounted from consideration.

13. I also acknowledge the support for telecommunications development within the National Planning Policy Framework (the Framework), within other government publications referred to by the appellants and the economic and social benefits that would be associated with the proposal.
14. My attention has been drawn by the appellants to a large number of appeal decisions relating to telecommunications development with the appellants drawing parallels between these other examples and the proposal. I note that in some of these examples prior approval was sought for development of a similar scale as is proposed and that in some cases Inspectors have concluded that the benefits of providing telecommunications equipment outweighs any harm identified. However whilst I have had regard to the appeal decisions where relevant, none of the examples provided appear to be directly comparable to the proposal before me and in cases where Inspectors have found that the benefits of a proposal outweigh the harm, I am unaware of what evidence Inspectors had before them regarding alternative sites. I have therefore attached limited weight to these other examples and in any event I must determine the proposal before me on its own merits and on the basis of the evidence submitted.
15. As stated, I consider that the proposal would result in significant harm to the character and appearance of the area and whilst the provision of increased coverage and capacity would bring significant economic and social benefits to the area, I am not persuaded by the evidence that these benefits could not be achieved by the provision of equipment on an alternative site which is less harmful. Consequently in this case I do not consider that the benefits identified are sufficient to outweigh the harm.
16. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area. It is contrary to policies TE1 and TEL1 of the Wirral Unitary Development Plan. These policies require, amongst other things, proposals for telecommunications antennae and associated apparatus to be assessed with regard to their siting and design and to minimise the impact of the proposal on amenity. Though not specifically referred to in the Council's reason for refusal, I am also satisfied that the proposal is contrary to the policies in the Framework when taken as a whole.

Conclusion

17. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR