



Appeal Decision

Site Visit made on 12 January 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Appeal Ref: APP/X4725/W/20/3261283

Barnsley Road, South Elmsall, Pontefract WF9 2RA

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE Ltd & Hutchison 3G UK Ltd against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/01171/TEL, dated 14 June 2020, was refused by notice dated 7 August 2020.
 - The development proposed is Proposed Telecommunications upgrade. Proposed 15.0m AGL Phase 8 monopole c/w wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are small differences in the description of development and addresses provided on the application form, appeal form and decision notice. Neither of the main parties have provided written confirmation that a revised description of development has been agreed. For clarity, in the banner heading above I have used the address from the appeal form and description of development given on the original application. These accurately describe the proposal and its location.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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 into account any representations received. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO 2015 which does not require regard to be given to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
5. The appellants Appeal Statement of Case confirms that the existing mast and associated cabinets are intended to be removed once the proposed mast is operational. I have assessed the appeal on this basis.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposed development upon the setting of the Grade II Listed war memorial.

Reasons

7. The appeal site is located along a busy part of the road containing, amongst other things, a mix of commercial and residential uses. There is a variety of street furniture along the road including streetlights, bins, seating and a bus shelter along with the existing mast and its associated cabinets.
8. The stone war memorial (memorial) was unveiled in 1923 and takes the form of a market-cross design. It was listed in 2018, with the listing highlighting its architectural interest and its strong cultural and historical significance, as an eloquent witness to the impact of tragic world events. The memorial is set within a small landscaped area adjacent to the footway. The landscaped area, and the scale and positioning of other buildings, results in a reasonably open setting to the memorial despite the presence of existing street furniture.
9. The proposal would introduce a mast of similar height to the existing mast with cabinets of a similar appearance, but in a closer position to the memorial than the existing arrangement.
10. The design of the proposed mast would have a greater bulk, particularly its upper portions, than the design of the existing mast. The nearest building to the appeal site is a single storey property, set back from the footway. Despite the presence of other street furniture, in this context the proposed mast would appear as a dominant feature, seen against the sky when approaching the memorial from the church on the opposite side of Dearne Street.
11. Telecommunication masts are common features in urban environments. However, in this particular location, in such close proximity to the memorial, in this open setting, the proposal would be an imposing feature which would detract from the experience of reflection, contemplation and commemoration at the memorial. Moreover, the proposed cabinets would be closer still to the memorial, increasing the proliferation of street furniture within its immediate setting.
12. Drawing the above together, I find that the siting and appearance of the proposed development would have a harmful effect upon the setting of the Grade II Listed war memorial. The proposal would therefore conflict with the requirements of Policy CS10 of the Council's Core Strategy and Policy D9 of the Council's Development Policies Document. These stipulate, amongst other things, that new development will protect and enhance the districts heritage assets.
13. Although in the context of paragraph 196 of the National Planning Policy Framework (the Framework), the resulting harm to the setting of the memorial would be less than substantial. Any harm is a matter that attracts great weight, having regard to paragraph 193 of the Framework. In accordance with paragraph 196 of the Framework I must balance that less than substantial harm against the public benefits of the proposal.
14. Paragraph 112 of the Framework advises that advanced, high-quality and reliable communication infrastructure is essential for economic growth and

social well-being. Moreover, the expansion of electronic communication networks, including next generation mobile technology, should be supported. I therefore afford considerable weight to the economic and social benefits of providing and enhancing electronic communication infrastructure as identified by the appellant and other Government documents including, amongst other things, the Future Telecoms Infrastructure Review (2018).

15. Whilst, a rigorous assessment of alternative sites has not been provided, there are benefits to the reuse of the existing infrastructure. However, the proposal seeks to position the equipment, including the mast closer to the memorial than the existing arrangement. Although there would be disruption to the network, there is no substantive evidence why the proposal could not replace the current mast and cabinets in the existing positions or elsewhere nearby.
16. The existing mast and equipment are well established features of the street scene. However, the proposal, due to its design and position, would have a greater impact on the memorial. Based on the evidence before me I cannot be satisfied that all alternative, potentially less harmful options have reasonably been explored and discounted, and therefore that no more suitable sites are available.
17. The proposal would be shared by 2 operators and would also be available to the Emergency Services Network. I have no reason to question the appellants evidence regarding need, pre-application engagement, network coverage or accordance with the International Commission on NonIonizing Radiation Protection standards. Moreover, no other harms have been identified from the siting and appearance of the proposal. However, the absence of harm or the accordance with conventional expectations of developments of this type, are neutral matters that weigh neither for nor against the development.

Conclusion

18. Heritage assets are irreplaceable and great weight should be given to their conservation. Therefore, although the Government aims to facilitate the growth of new telecommunication systems, it also places great emphasis on protecting buildings and structures of historic importance.
19. The siting and appearance of the proposed development would have a harmful effect upon the setting of the Grade II Listed war memorial. Moreover, the evidence before me is insufficient to show that there are no alternative sites available which would cause less harm. Given the weight placed on the historical importance of the memorial, this weighs heavily against the proposal.
20. I therefore conclude that the public benefits do not, in this instance, outweigh the less than substantial harm that would occur, and for the reasons given above, the appeal is dismissed.

Robert Walker

INSPECTOR