



Appeal Decision

Site visit made on 26 January 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2021

Appeal Ref: APP/W2465/W/20/3260399

Pavement at Soar Lane, Leicester LE3 5JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3 (1) and 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 Ltd against the decision of Leicester City Council.
 - The application Ref 20200521, dated 9 March 2020, was refused by notice dated 31 July 2020.
 - The development proposed is installation of a 20m high monopole with antennas and equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of Schedule 2, Part 16, Class A 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 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.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had 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.

Main Issue

4. In light of the above, the main issue in this case is the effect of the development on the character and appearance of the area, including heritage assets.

Reasons

5. The appeal proposal would be set on the grass verge and would only obstruct any pedestrian flow when it requires service which, based on the evidence provided, is infrequent. There is an existing pole located nearby, approximately 15m in height. The installation would be a new installation.

6. The appellant states that the proposed mast would facilitate Fifth Generation (5G) connectivity. The appeal proposal would be prominent, being located above the treeline, and be extremely visible when seen in its context.
7. The proposals are close to Soar Bridge and three of the piers and the wider setting of this is framed by the Rally Park. From my site visit, it is apparent that the proposals would be prominent in east and west views, from the bridge to the Rally Park and through to the Waterside Regeneration Area. The Rally Park gives a green feel to the area and I find that the pole in the proposed location would harm the setting of the heritage assets and the Rally Park.
8. I note from the drawings that the mast is relatively slender in design and antennas make up the top portion of the mast, but the overall impact of the mast would be increased by the equipment cabinets, which would give a cluttered appearance and would contribute further to the loss of the open character that is demonstrated in the surroundings.
9. Paragraph 112 of the National Planning Policy Framework (the Framework) states that such telecommunications development is essential, and the expansion of electronic networks should be supported, including the next generation of mobile phone technology. Based on the guidance in the Framework, there would be public benefits from the proposal and that the development is a joint venture between two companies, which would reduce the need for additional masts.
10. Paragraph 115 of the Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration. Additions to an existing mast or base station are excluded. As the proposal is a new siting, alternative sitings must be assessed and a comprehensive raft of information has been supplied to demonstrate that other sites have been assessed and discounted. I am satisfied that this aspect of the appeal proposals has been carried out appropriately.
11. On the evidence before me, the development would comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). As such, the Framework advises that health safeguards are not something which a decision-maker should determine. No substantive evidence is before me to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. I also note that the Council did not object to the development for these reasons.
12. The Framework recognises that planning decisions should support the expansion of electronic communications networks and the appellant has provided the necessary evidence to justify the proposed development. However, I have found the siting and appearance of the development would result in harm to the character and appearance of the area, which is not outweighed by these other considerations.

Planning Balance and Conclusion

13. I acknowledge the potential economic and social benefits of the proposal, and the support demonstrated in the Framework in relation to high quality communications infrastructure as well as the general supporting documentation provided in support of the communications network by the appellant. However, I do not consider that these benefits in relation to this proposal would outweigh the significant harm that I have identified to the character and appearance of the area and the heritage assets.
14. For the reasons set out above, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR