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## Appeal Decision

Site visit made on 12 January 2021

**by Sarah Manchester BSc MSc PhD MEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> February 2021**

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**Appeal Ref: APP/P4225/W/20/3260406**

**Langley Lane, Birch, Rochdale OL10 2QJ**

- 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 (Generally Permitted Development) England Order 2015 (as amended).
  - The appeal is made by Hutchison 3G UK Ltd against the decision of Rochdale Metropolitan Borough Council.
  - The application Ref 20/00530/TELE, dated 09 May 2020, was refused by notice dated 09 July 2020.
  - The development proposed is telecommunications installation: Proposed 20m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. 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.

### Planning Policy

3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. Therefore, 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. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

### Reasons

5. The appeal site is an area of grassed verge at the edge of the footway adjacent to Langley Lane near to the junction with Knight Crescent. The proposal would be in close proximity to the side boundary of 2 Knight Crescent, which is a

detached 2 storey dwelling at the edge of the settlement. The land to the north of this part of Langley Lane is open countryside in the Green Belt.

6. The proposal is a 20m monopole with a wraparound cabinet at its base and a further 3 cabinets which would form a linear arrangement with an existing cabinet and parallel to the footway. The plans illustrate that, although prominently sited on the verge, the cabinets would be low structures that would not exceed the height of the wall to the rear of the footway. In contrast, the monopole would be more than twice the height of the nearby buildings, lighting columns and trees. It would be conspicuously large and out of scale in the context of the surrounding built and natural environment. Moreover, the close siting of the monopole to the side elevation and first floor window of the neighbouring dwelling would result in an unsympathetic and incongruous relationship and it would emphasize the disproportionate scale of the proposal.
7. Langley Lane is a relatively straight road in this location and the proposal would be readily visible on the approach in either direction. While there are trees in the wider area, including in residential gardens and the Green Belt, these would not be sufficiently close to the monopole to provide any obvious screening benefit. The proposal would not be integrated or assimilated into its surroundings. It would be prominent in views through the area including from nearby residential streets and properties, travelling along Langley Lane and from wider locations in the open countryside. Irrespective that it would be finished in grey to match the lighting columns, by virtue of its excess height and its greater bulk, including the antenna and wraparound base, the proposal would be a dominant and visually obtrusive feature.
8. Therefore, the siting and appearance of the proposal would result in significant harm to the character and appearance of the area. Although not determinative, it would conflict with Policies P1, P3 and DM1 of the Rochdale Core Strategy (2016). These require, among other things, that proposals should achieve high standards of design and avoid adverse effects on residential amenity through visual intrusion.

### **Other Considerations**

9. The Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being and it therefore supports the expansion of electronic communications networks, including 5G. In this case, there is no dispute that the equipment is required to provide a 5G network and improve coverage in the Birch area of Rochdale.
10. Notwithstanding the support, the Framework requires the number of masts and the sites for such to be kept to a minimum and the use of existing masts, buildings and other structures is encouraged. In this case, the Site Specific Supplementary Information (SSSI) justifies the location partly on the basis of the constrained cell search areas for 5G, which typically have a radius of only 250m. However, the evidence indicates that the appeal site is approximately 400m from the cell centre point. While the SSSI includes a generic statement to the effect that proposals are often pulled marginally outside cell search areas, there is little site-specific information to explain the apparent discrepancy between the location of the proposal and the cell search area.
11. Furthermore, while the SSSI states that the proposal is the only viable solution, there is very little detail about the particular site selection process or the

specific alternative options that were identified, considered and discounted. Consequently, it has not been robustly demonstrated that a satisfactory level of coverage could not be achieved by other means including alternative sites in less prominent locations. This is a material consideration to which I attach significant weight.

12. Concerns have been raised by third parties including in relation to the potential health effects of the mast. However, the appellant has provided a Declaration of Conformity with ICNIRP Public Exposure Guidelines. The Framework advises that planning authorities should not set health safeguards that differ from the International Commission guidelines. Accordingly, I must give the health concerns very little weight in my assessment.
13. I note that the appellant consulted with stakeholders, including the Council, at the pre-application stage. Although no responses were received at that time, this is not a matter that weighs in favour of the scheme.

### **Conclusions**

14. There would be social and economic benefits arising from the improvement in the communications network, and this is a factor that weighs in favour of the proposal. Conversely, the proposal would result in significant harm to the character and appearance of the area. Furthermore, the evidence does not make a convincing case that no suitable alternative sites exist, and this weighs against the proposal.
15. For the reasons set out above, the appeal should therefore be dismissed.

*Sarah Manchester*

INSPECTOR