



Appeal Decision

Site visit made on 19 January 2021

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2021

Appeal Ref: APP/C4235/W/20/3263010

Grass Verge, Lomond Road, Peel Hall, SK8 3TZ

- 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 EE (UK) Ltd and H3G (UK) Ltd against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/077202, dated 16 June 2020, was refused by notice dated 20 August 2020.
 - The development proposed is telecommunications mast and cabinets.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for telecommunications mast and cabinets at Grass Verge, Lomond Road, Peel Hall, SK8 3TZ, dated 16 June 2020. The approval is granted in accordance with the details and plans submitted pursuant to the above Order.

Procedural Matters

2. A prior approval appeal is not determined on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004 because the principle of development is established through the grant of permission by the above Order. I have therefore taken account of the Council's development plan, the National Planning Policy Framework (The Framework), and the Planning Practice Guidance as material considerations in so far as they are relevant to the matters before me which are siting and appearance. The question of whether the proposal represents inappropriate development in the Green Belt does not arise.

Main Issues

3. The main issue is the effect of the design and siting of the development upon the character and appearance of the area, including upon the openness of the Green Belt.

Reasons

4. The appeal site is on the grass verge of Lomond Road, roughly opposite the existing telecommunications development on the other side of the road. According to the submitted details, the new mast and equipment cabinets would replace the existing ones.
5. The site is adjacent to fields and there are houses a short distance away in both directions along Lomond Road. The environs have a semi-rural appearance. The mast would be some 20m in height which is around 5m higher than the existing mast. It would also be wider than the existing one. Although the surrounding trees would somewhat mitigate the impact of it on long range views from adjacent fields, it would be a more obvious structure within the street-scene than the existing development. I appreciate that the proposed site is slightly more prominent than the existing one because it is on the outside of the bend rather than the inside of the bend but the extended visibility would not be particularly long range.
6. The development would be sited where currently none exists. Although the mast would be taller than other nearby buildings and structures, it would be a slim structure and of far less volume than nearby dwellings. Therefore, the effect upon the openness of the Green Belt would be limited.
7. Taking the above factors into account, I find that there would be a small amount of localised harm to the character and appearance of the area. Therefore, I find conflict with Policies CS8 and Development Management Policies SIE-1 and SIE-3 of the Stockport Core Strategy Development Plan Document (CS) and Unitary Development Plan Policy LCR1.1 which, in combination, seek to protect the character and appearance of the Borough's urban and rural landscape.
8. Notwithstanding this, there are other considerations before me. Paragraph 112 of the Framework says that Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). It also says that the use of existing masts, buildings and other structures for new electronic communications should be encouraged.
9. In regard to the siting of the mast, alternative sites must be within about 100m from the existing site otherwise there would be a gap in the existing 4G coverage and there is currently no coverage at all in the vicinity for 5G service. The 100m search area submitted by the appellant shows much of the area to be open in nature apart from small areas directly adjacent to dwellings where the visual impact would be more obvious to local residents. Furthermore, the mast needs to be 20m high to enable coverage and would be used by 2 operators.
10. The appellant argues that the existing site has utility cables which would be too close to the foundation of the mast and the engineering required to remove the existing services and ducts before proceeding to the new installation would result in substantial down time for the network. However, whether or not the risk of substantial down time is significant, the proposed site opposite, has very similar visual characteristics. Therefore, the benefits of re-using the existing site are not compelling.

11. The proposed expansion of the 5G network would result in clear economic and social benefits associated with allowing the telecommunications development in accordance with paragraph 112 of the Framework.
12. The Council has referred to appeal decision APP/C4235/W/19/3243445. However, I have considered the appeal before me in the context of its specific site characteristics. The Inspector in the previous appeal noted that the mast would be away from trees or other nearby features that could mitigate its impact. I have found that there are trees adjacent to this appeal site. Furthermore, the mast in the previous appeal would be clearly visible from a multitude of dwellings. Therefore, the two cases are not directly comparable.
13. Whilst I have found a small amount of localised harm to the character and appearance of the area, on balance, I find no significant conflict with CS Policy Development Management Policy SIE-5 which indicates, amongst other matters, that telecommunications development should not have an unacceptable effect on the character or appearance of the locality; that the siting and external appearance of apparatus minimises visual impact; and that there is no reasonable possibility of sharing facilities or erecting antennae on an existing building or structure. Neither do I find significant conflict with The Council's Supplementary Planning Guidance, Mobile Telecommunications which has similar objectives.

Conditions

14. Class A of Part 16 of Schedule 2 of the GPDO imposes relevant conditions as standard. It specifies that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators.

Planning Balance and Conclusion

15. I accept that some visual harm weighs against the proposed development. However, this does not mean that the degree of visual harm is unacceptable when balanced against the Framework's support of the expansion of 5G communication. I conclude that the proposed development would be acceptable and I allow the appeal and prior approval is hereby granted.

Siobhan Watson

INSPECTOR