



Appeal Decision

Site Visit made on 14 June 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/C4235/W/20/3261364

Land outside Aldi, Stockport Road, Stockport, Greater Manchester SK3 0LX

- 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 Clarke Telecom Limited together with Cornerstone and Telefonica Limited against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/076713, dated 4 May 2020, was refused by notice dated 3 July 2020.
 - The development proposed is the installation of a 20m slim-line column supporting 6no. antennas, 2no. transmission dishes, 1 no. equipment cabinet and ancillary development thereto including a GPS Module and 3no. Remote Radio Units (RRUs).
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Decision

1. The appeal is dismissed.

Procedural matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), and Schedule 2, Part 16, Class A, require the local planning authority to assess the proposed development solely on the basis of its siting and appearance. My determination of this appeal has been made on the same basis. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
3. In accordance with paragraph 116 of the Framework, the Council has not questioned the need for the proposal, and I have no grounds for doing so either.

Main Issue

4. There is no dispute that the equipment and mast comply with the limits allowed under Schedule 2, Part 16, Class A of the GPDO. As this appeal is against the refusal of prior approval, the only issues which can be considered are those of siting and appearance. Accordingly, the main issue is the effect of the proposal on the character and appearance of the area with reference to siting and appearance and whether any harm caused is outweighed by any benefits.

Reasons

Character and appearance

5. The appeal site is in a mixed-use urban area where street furniture, signage and the busy comings and goings of the area create visual clutter. Despite the site not being in a protected or specially designated character area, its character is a pleasing one. There is a uniform spacing to the lampposts, street furniture is not overly dominant in local views and street trees soften views in both directions along Stockport Road. It is a requirement of the Framework and policies CS8 and SIE-1 of the Local Plan (2011) that development should make a positive contribution to the built environment with policy SIE-5 more specifically referring to telecommunications development and stipulating that it does not have an unacceptable effect on the character or appearance of the locality.
6. As the Council identifies, the mast proposed would be markedly taller than surrounding lampposts, buildings and street trees and together with its prominent position on the pavement, it would be highly visible in both directions along the street. Whilst the mast has been designed to strike a balance between technical requirements and visual effects, the mast's diameter would be much wider than the lampposts and other vertical structures nearby and so would appear unduly dominant. Together with its prominent position, the proposal would be incongruous in the street scene and therefore would be harmful to the character and appearance of the area. Painting the mast grey would not mitigate the harm found relating to the location of the mast and its size.
7. The appellant advises that the installation needs to be at the proposed height to obtain the required signal coverage and for public health reasons. However, this does not address the incongruity and visual harm as a result of the development as a whole.
8. For the reasons above, the proposal would be considerably harmful to the character and appearance of the area and therefore would be contrary to policy policies CS8, SIE-1 and SIE-5 of the Local Plan (2011).

Other Matters

9. I accept the difficulties identified in upgrading the existing 15 metre telecommunications structure on Stockport Road and I also recognise the need to install a mast that is within proximity of the existing. Amongst several discounted sites, the Council have suggested two which could be suitable for the structure proposed.
10. The first being within or adjacent to Morrisons service yard. The reasons for locating the mast on Network Rail land are understood, leaving the option of a mast within the service yard. The appellant suggests that the site was discounted because of ground levels and trees having a harmful effect on the mast's operations. However, the evidence also points to the possibility of a taller and bulkier structure to overcome these constraints. In the absence of any visual or townscape assessment to demonstrate otherwise, I surmise that a mast, whilst being taller and bulkier, would be better assimilated into the more industrial landscape than would be the case for the appeal proposal and its streetscape context.
11. There is no evidence before me to suggest that the loss of 2-3 car park spaces would have a material effect on supermarket operations, or indeed that the spaces could not be re-located on site. Nor is it clear why the mast should

- interfere with the supermarket's servicing requirements. Whilst I appreciate that the yard needs to be kept free from obstruction, there is nothing in the evidence to suggest that a mast would occupy an area that would hinder service yard operations.
12. I cannot assume that because the appellant has experienced Morrisons refusing telecommunications installations on their land that this would be the case here. Furthermore, whilst I do not doubt the difficulty in obtaining a Code Agreement, this applies when an agreement cannot be reached, which I am not aware is currently the case.
13. A mast at the second suggested site, off Hoylake Road, would be visible in views from surrounding residential properties. There is no visual evidence before me to ascertain the exact visual effects of a mast in this location. However, given the distance of a mast from the surrounding residential properties it would not be unduly dominant in views to be considered harmful to occupier's outlook and therefore living conditions. As the appellant suggests, a visible mast isn't automatically equated with harm. And in this regard, the mast would not be contrary to the covenant on the land. Balanced against this is the large number of people who would experience the incongruous effects of the mast at the appeal site. In addition, it is not clear why access to the area off Hoylake Road would prevent a telecommunications structure being deployed.
14. I have had regard to the appeal before me (APP/J4423/W/17/3188962) in the context of site acceptability which the appellant refers me to. I have found that the proposal would not be acceptable in terms of siting and appearance and therefore, as the appeal suggests, prior approval cannot be automatically be granted.
15. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
16. The development would not obstruct the highway but as this is good and responsible planning, it is a neutral factor in my assessment.
17. The need for high quality communications infrastructure in the area of the appeal site is recognised and the benefits of this to sustainable economic growth and improving social welfare are benefits that weigh moderately in favour of the appeal.

Conclusion

18. The overall harm caused in respect of the main issue is considerable and the moderate benefits of the proposal and other considerations do not outweigh this harm. As such, the appeal is dismissed.

R Walmsley INSPECTOR