



Appeal Decision

Site Visit made on 27 July 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2021

Appeal Ref: APP/Z4718/W/21/3273898

Woodcock & Wilson Ltd, Blackmoorfoot Road, Huddersfield HD4 7AA

- 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 MBNL against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/N/90312/W, dated 15 November 2020, was refused by notice dated 23 March 2021.
 - The development proposed is a 20.00m high Valmont slimline climbable monopole on 5.2 X 5.2 X 1.4m deep concrete base with 6 No. Antenna apertures at 0°/120°/240° and 4 No. proposed 600 dishes and associated ancillary works.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 20.00m high Valmont slimline climbable monopole on 5.2 X 5.2 X 1.4m deep concrete base with 6 No. Antenna apertures at 0°/120°/240° and 4 No. proposed 600 dishes and associated ancillary works at land at Woodcock & Wilson Ltd, Blackmoorfoot Road, Huddersfield HD4 7AA in accordance with the terms of the application Ref 2021/N/90312/W, dated 15 November 2020, and the plans submitted with it including plans 002 Site Location Plan Issue E, 003 Access Plan Issue E, 004 Lease Demise Issue E, 005 Cherry Picker & Crane Location Issue E, 215 Max Configuration Site Plan Issue E, 265 Max Configuration Elevation Issue E, 304 Max Configuration Antenna Schedule & Line Configuration Issue E and 305 Equipment Schedule & Support Structure Details Issue E.

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 to be had to the development plan. I have had regard to the policies of the development plan and the revised National Planning Policy Framework 2021

(The 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 whether the siting of the proposed installation would prejudice the effective and efficient implementation of housing allocation HS22 of the Kirklees Local Plan Allocations and Designations 2019 (LPAD).

Reasons

5. The appeal site currently forms part of the rear yard area of an active business that has plans to extend its building, resulting in the need to remove the existing telecommunications installation on its site. I have not been made aware of the likelihood of the appeal site being relinquished for new housing as part of the allocation, but the fact that moves are in place to extend the premises suggests that the business intends to continue operating from the site. No details have been provided to suggest that there are any firm plans or permissions in place with respect to the HS22 allocation coming forward in the near future.
6. Furthermore, it is not apparent why, if housing were to come forward on the allocated site, there would need to be any significant distance between it and the proposed mast, or why a design and layout of housing could not be achieved that would minimise any impacts that did arise. There would be some loss of land if the appeal proposal was in place, but this would be in the area closest to industrial uses, where the relationship with new housing would be more sensitive and may necessitate some kind of buffering. The proposal would therefore not materially affect the ability of the housing allocation to deliver new housing, in particular on the consideration that the allocation extends to 14.11 hectares in area and the appeal site and the area closest to it represents only a very small part of this.
7. Taken together, these factors mean that the siting of the proposed installation would not prejudice the effective and efficient implementation of housing allocation HS22 of the LPAD. In so far as they relate to siting and the main issue arising in this appeal, the proposal would not conflict with the aims of Policy LP3 of the Local Plan Strategy and Policies 2019 or with section 5 of The Framework.

Other Matters

8. Details relating to a number of other potential sites for the installation have been provided, but in light of my findings on the main issue it is not necessary to consider these alternative locations.

Conditions

9. Any planning permission granted for development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify 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.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

Graham Wright

INSPECTOR