
Appeal Decision

Site visit made on 10 August 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/J4423/W/21/3273730

Area of Footpath, Rushby Street, Grimesthorpe, Sheffield S4 8GD

- 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 Hutchison 3G (UK) Limited against the decision of Sheffield City Council.
 - The application Ref 21/00058/TEL, dated 7 January 2021, was refused by notice dated 25 February 2021.
 - The development proposed is a street pole with built-in cabinet, 3no. separate cabinets and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the updated National Planning Policy Framework (July 2021) (the Framework) was published. The parties were provided with an opportunity to comment on the relevance of this, and I have taken any subsequent comments received into account in my determination of this appeal.
3. In accordance with the provisions of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and subject to any relevant exception, limitation or condition specified therein, development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network is permitted development. This requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. Therefore, matters such as the need for the development are not at issue in this appeal.
4. The relevant provisions of the GPDO do not require regard to be had to the development plan. Accordingly, I have had regard to these policies and related supplementary guidance only insofar as they are a material consideration relevant to matters of siting and appearance. They are not, in themselves, determinative.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

6. The proposal would be located to the rear of the footpath lining Rushby Street adjacent a parcel of green space. The area is predominantly residential, comprised primarily of two-storey buildings. Rushby Street rises away from the roundabout at the junction of Owler Lane and Page Hall Road before it meets East Marshall Road. Houses in the vicinity of the appeal site have generous setbacks from the road and in combination with the green open space, the area has an open, spacious and verdant character. The proposal includes a telecommunications mast of 18m height with associated antennae and ground level equipment cabinets.
7. The height of the mast would be significantly greater than the streetlights and other vertical elements along Rushby Street and East Marshall Road. While I appreciate the proposed mast must be taller than other objects in the vicinity in order to 'see' over obstructions, the large size and utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its immediate residential setting. This would be compounded by the elevated position of the appeal site on Rushby Street. The trees located on the public open space would offer some screening and natural backdrop but would not sufficiently reduce the visual impact of the mast given its size. Furthermore, the amount of ground level cabinets would cause visual clutter to the footpath and appear intrusive given their size.
8. The appellant has outlined alternative sites that were considered but discounted for a variety of reasons. While I have some background on these, and I acknowledge the pre-application efforts made by the appellant to engage with the Council, there is little substantive information in this regard as to why these were not possible for siting the mast. This is especially pertinent as to whether alternative locations would be as prominent or whether landowners of disregarded locations refused to allow the mast to be located on their land. The Framework states that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development.
9. I therefore conclude that the siting and appearance of the development would have a harmful visual effect on the character and appearance of the local area. Insofar as they are material considerations, I have also had regard policies CS74 of the Sheffield Development Framework Core Strategy (adopted March 2009) and H14 and BE14 of the Sheffield Unitary Development Plan (adopted March 1998). These policies state that telecommunications development should be sited and designed so as to minimise visual impact. The proposal would also be contrary to the Framework, which advises in paragraph 115 that equipment should be sympathetically designed and camouflaged where appropriate.

Other Considerations

10. Paragraph 114 of the Framework recognises advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.
11. Even if I were to accept the appellant's claim that there are no other suitable sites in the area, I am not satisfied that appropriate consideration has been

given to minimising the visual impact of the installation in relation to the local area. Therefore, although I have had due regard to Government aims to facilitate the growth of digital infrastructure, acknowledging a recent letter from the Department for Digital, Culture, Media and Sport, it also advises equipment should be sympathetically designed and camouflaged where appropriate.

12. There is clear need for, and importance of, the rollout of the 5G network. The proposed new infrastructure would provide coverage for local people. The proposed monopole is said by the appellant to be the minimum height and width possible to accommodate multiple-generation technologies. I also understand the technology cannot be placed on other existing masts or nearby buildings. Given the ongoing pandemic the need for suitable telecommunications infrastructure to accommodate home working has become very apparent in many people's lives and this carries some weight in favour of the proposal.
13. I acknowledge that telecommunications equipment is now a common feature of the built environment. However, the evolution of the surrounding environment over time does not justify any and all development, and an appropriate balance must be struck.
14. I have had regard to the appellant's statement of case including comments that the proposal would not have an adverse effect on the living conditions of neighbouring occupiers or the safe and efficient operation of the public footpath. These matters are not in dispute and in any case a lack of harm would be neutral in the decision-making process rather than weighing in favour of the proposal.
15. The appellants have referred me to an appeal decision¹. However, I have very little information on this other than an address and general description of development. In any event, I must consider this appeal proposal on its own individual merits, which I have done.

Conclusion

16. Having regard to all of the above, the weight that I attach to the other considerations in favour of the proposal would, whilst important, not be sufficient in this case to outweigh the harm that would be caused to the character and appearance of the area. Particularly in regard to the design, siting and context of the proposed development and evidence pertaining to the consideration of alternative sites.
17. The proposal would therefore, for the reasons set out above, be contrary to the relevant identified policies of the development plan and the Framework. I therefore conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

¹ APP/A5840/W/20/3254830