



Appeal Decision

Site visit made on 16 September 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/J4423/W/21/3274732
Blackbrook Road, Sheffield S10 4LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission required under Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL against the decision of Sheffield City Council.
 - The application Ref 21/00847/TEL, dated 19 February 2021, was refused by notice dated 19 April 2021.
 - The development proposed is described as a 15 metre high EE/H3G phase 8 street pole.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties were afforded the opportunity to comment on the implications of the revised Framework in terms of the determination of the appeal.
3. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority and therefore the Secretary of State 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.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the policies of the development plan and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. In the context of the above, the main issue is the effect of the siting and appearance of the development upon the character and appearance of the area including whether the applicant has undertaken a suitable search of alternative sites.

Reasons

6. It is proposed to erect a 15 metre high telecommunications mast and to site equipment cabinets to enable 5G mobile coverage in the area. The development would be positioned within part of the western side of a roadside embankment and close to the brow of Blackbrook Road. Excavation works would be undertaken to the existing embankment to ensure that the telecommunications site was at the level of the highway.
7. There is an existing telecommunication mast with cabinets about 50 metres from the appeal site and closer to houses off The Pines. The appellant has commented that in the event that the appeal was allowed, the aforementioned mast and cabinets would be removed. Within this part of Blackbrook Road there are also black street lights located at regular intervals within the western side of the highway pavement. There is a black coloured mast positioned broadly opposite the appeal site and this is disguised as a telegraph pole.
8. The evidence is that the appeal site falls within land designated as Green Belt. However, the GPDO approves planning permission for this type of development and to this extent the principle of erecting a mast in this Green Belt location is not relevant. The site is part of more open and rural land which separates residential development to the north known as The Pines from residential development to the south known as Moorside. On this side of the road, there is no pavement and there is a notable absence of street apparatus apart from one small road sign further down the hill which warns motorists of a narrowing of the highway.
9. Taking the above into account, coupled with the irregularity in the height of the stone wall and different levels to the embankment, one appreciates the western side of the highway as a generally less formal and more natural environment which is in-keeping with the essentially more open and less developed fields beyond. The proposal would be seen in direct contrast to these positive attributes and would be seen as an isolated and alien feature of considerable height and width. Indeed, the mast would be seen as a tall, imposing and intrusive form of development at the brow of a hill detracting unacceptably from the pleasing order and relatively contained nature of street apparatus in this part of Blackbrook Road.
10. Given its skyline location, the mast would be seen as an unacceptably prominent, dominant and conspicuous feature when driving up Blackbrook Road in northern and southern directions, from the bridleway opposite, from the public footpath adjacent to the site and from longer distance views from the nearby Spider Park. I acknowledge the appellant's comment that the proposed equipment cabinets are permitted development. However, the location of them would be as a direct consequence of the erection of the proposed mast. To this extent, I do not consider it to be reasonable to have no regard to them in assessment terms. Given the number, position and size of these cabinets, which would be seen in combination with a wide and bulky mast measuring some 15 metres in height, the development would significantly detract from the prevailing sense of openness and rural character in this part of the street.
11. I acknowledge the appellant's indication that should this appeal be allowed, the existing mast and cabinets which are downhill from the appeal site would be removed. I am not certain how this would be controlled from an enforceability

point of view as Part 16 of the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. I recognise that the GPDO does require existing telecommunications equipment to be removed if it is no longer in use, but I cannot be absolutely certain about when or indeed if this would happen. There may, at the very least, be a period where two masts and associated development co-exist and that would result in cumulative visual harm and a severely cluttered environment in what is otherwise a more rural and undeveloped part of Blackbrook Road.

12. Notwithstanding the above, and even if there was a certain mechanism before me to ensure that the existing mast and cabinets were removed, this would not go far enough to overcome the significant harm that would be caused by the appeal development to the character and appearance of the area. Indeed, the mast would be seen as an isolated, prominent, tall and visually intrusive form of development, materially departing from the scale and order afforded to other street apparatus in the locality. In addition, this harm would not be overcome by imposing a condition to control the colour of the mast, noting, in any event, that the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators.
13. The above harm would be compounded by virtue of the removal of part of the roadside embankment. This would have the effect of unacceptably eroding what is a more natural land form alongside the western side of Blackbrook Road, thereby introducing an uncharacteristically engineered appearance to this side of the street.
14. I acknowledge that some sort of sequential search for alternative sites must have taken place when development was permitted for the existing mast further down Blackbrook Road. However, that does not necessarily mean that there are now not sequentially preferably sites elsewhere in the area which might meet coverage requirements and cause less harm.
15. The Framework states, at paragraph 117, that supporting evidence for a new mast or base station should include '*evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure*'. The evidence indicates that it may be unlikely that it would be possible to use an existing building, mast or other structure in the area and achieve the required coverage. However, the appellant does not appear to have expressly considered or discounted, to my satisfaction, the potential to use private property in the area. To this extent, I do not find the search and assessment of alternative sites to be robust.
16. For the collective reasons outlined above, I find that the proposal would not be acceptable in respect of its siting and appearance. Furthermore, the search for and assessment of alternative sites is not robust and so I cannot be certain that there are no other sites available where the harm would be less severe. In any event, while this proposal would deliver economic and social benefits including the ability to advance 5G technological innovations, in accordance with paragraph 114 of the Framework, this would not outweigh the very significant harm that would be caused to the character and appearance of the area.

17. From a siting and appearance point of view, I conclude that the proposal would not therefore suitably accord with the design, appearance and telecommunications requirements of saved policies GE1, GE4 and BE14 of the Sheffield Unitary Development Plan 1998 (UDP); policy CS74 of the Sheffield Development Framework Core Strategy 2009, and chapters 10 and 12 of the Framework. The Council has referred to saved policy GE3 of the UDP, but this is not of any direct relevance in so far that it relates to buildings.

Conclusion

18. I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR