
Appeal Decision

Site visit made on 12 October 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2021

Appeal Ref: APP/J4423/W/21/3278120

Hastilar Road South, Junction of Richmond Road, Sheffield S13 8EJ

- 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 Cornerstone and Vodafone Ltd against the decision of Sheffield City Council.
 - The application Ref 20/04429/TEL, dated 9 December 2020, was refused by notice dated 2 February 2021.
 - The development proposed is the installation of a 17.5 metre Apollo street pole with 6no. antennas and 1no. GPS module, 2no. equipment cabinets and 1 no. meter.
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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 main parties were provided with an opportunity to comment, and I have taken any received into account.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require an assessment of the proposed development solely on the basis of its siting and appearance, taking into account any representations received.
4. While quoted by the appellant in their appeal statement and the Council in the reasons for refusal, 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 in so far as they are a material consideration relevant to matters of siting and appearance. They are not, in themselves, determinative.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposal on the character and appearance of the area, including the setting of a nearby Listed Building.

Reasons

6. The mast is proposed to be installed on a grass verge between a footpath and a bus stop on Hastilar Road South. The area is predominantly residential, although the Church of St. Catherine of Siena is a prominent feature on the opposite side of the junction with the B6065. There are existing vertical elements in the vicinity, including streetlights, highway signage and a bus stop.
7. The mast would be considerably taller than the nearby trees and aforementioned street furniture. The installation would therefore be highly visible to passers-by on Hastilar Road South and the B6065. While I understand the mast must be taller than other objects in the area in order to 'see' over obstructions, the large size and utilitarian appearance of the proposed equipment would appear visually discordant, out of scale and overly prominent within its immediate setting.
8. The significance of the Grade II Listed Church of St. Catherine of Siena derives from its architectural and aesthetic value, particularly its semi-circular apse and bell tower to the front. The dominance of the latter in the area is part of the special interest of the church and therefore makes a significant contribution to the significance of the Listed Building.
9. While I agree that in longer distance views and from certain directions the visibility of the church would be restricted by built form and screened by trees, in the immediate area the building is very prominent. From my observations on the site visit, there would be clear visual connectivity between the church and the proposed mast. The bell tower is the tallest structure in the area and its prominence reflects its societal and community importance. The introduction of a utilitarian structure of this height would intrude into the setting of this Listed Building, competing with and thereby eroding its dominance as a landmark and harming its significance.
10. In terms of the approach set out in paragraph 202 of the Framework, the harm to the significance of the heritage asset would be less than substantial. I note the appellant does not dispute this. In such cases, great weight should be given to the asset's conservation and any harm should be weighed against the public benefit of the proposal.
11. Based on the above, the siting and appearance of the proposal would have a harmful visual effect on the character and appearance of the local area and would not preserve the setting of the Listed Building. Although not determinative, insofar as they are material considerations, I have had regard to Policies BE14, H14 and BE19 of the Sheffield Unitary Development Plan (the UDP) (adopted March 1998) (UDP). These seek, among other aims, for telecommunications development to be sited and designed so as to minimise visual impact while development is expected to preserve the setting of Listed Buildings. The proposal would also be contrary to the Framework insofar as it seeks to ensure that where new sites are required (such as for new 5G network), equipment should be sympathetically designed while emphasising the desirability of sustaining and enhancing the significance of heritage assets.

Other Considerations and Public Benefits

12. I have found that the proposal would harm the character and appearance of the local area and would cause less than substantial harm to the significance of

a designated heritage asset. Nevertheless, and alongside the stance of paragraph 202, paragraph 115 of the Framework recognises the need for telecommunications equipment to be sympathetically designed and camouflaged where appropriate.

13. The appellant has pointed to a lack of alternative available sites because of the area that the proposed mast would serve. The information that I have in this regard is of a limited nature, especially as to whether alternative locations would be as prominent or would have similar impacts on designated heritage assets. I accept transmitters for the 5G network cannot be placed on existing masts which transmit older wireless signals and there are constraints to placing antennae on buildings. The Framework states that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. In this case, such evidence is lacking as regards alternative sites.
14. 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, and the setting of a nearby Listed Building specifically. Heritage assets are an irreplaceable resource and as per the Framework great weight should be given to their conservation. Therefore, although the Government aims to facilitate the growth of new telecommunication systems, it also places great emphasis on protecting areas and buildings of architectural or historic importance.
15. There is clear need for, and importance of, the rollout of the 5G network. The proposed monopole is said by the appellant to be the minimum height and width possible to accommodate multiple-generation technologies, which cannot be placed on existing installations nearby due to transmission issues. 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 positive weight in favour of the proposal.
16. The Framework is clear in paragraph 114 that the provision of high-quality communications infrastructure is essential for economic growth and social well-being. It also outlines that the expansion of electronic communications networks, including next generation mobile technology, should be supported. The proposal would facilitate 5G coverage and I have had regard to the public benefits of this technology to local residents, visitors and businesses in the area. I have also taken into account that the scale of the mast, which has been reduced in height from a previously refused application¹ at the same site, is the minimum possible to achieve the required coverage and comply with the International Commission on Non-Ionizing Radiation Protection guidelines. Cumulatively, these factors and public benefits weigh in the scheme's favour.
17. I acknowledge that telecommunications equipment is now a common feature of the built environment. However, the surrounding environment changing over time does not justify any and all development, and potentially places more importance on maintaining that coherence of scale which remains.
18. 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

¹ 20/01052/TEL

neighbouring occupiers. This matter is not in dispute and a lack of harm would be neutral in the decision-making process rather than weighing in favour of the proposal.

19. It is argued a larger mast could be erected without the need for planning permission, although I have little information in this regard. In any event, I have assessed the proposal as it is presented to me and to my knowledge a Certificate of Lawfulness has not been applied for.
20. My attention is drawn to several other proposals for telecommunications equipment, including masts, which were the subject of both planning applications and appeals. Other than the decision notices I have little information on these. However, these developments would have had their own site-specific circumstances which led to their approval. While I agree in general that consistency in decision making is important, it does not follow that this proposal should be approved on this basis. Accordingly, I have determined the appeal scheme on its own merits, having regard to its own individual context.

Other Matters

21. I have had regard to concerns raised by the appellant about the way that the Council handled the scheme, particularly regarding the request for pre-application advice, which was not forthcoming, but this does not affect the planning merits of the case. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above. Moreover, the lack of public objection would be neutral in the planning balance rather than weighing in favour of the scheme.

Conclusion

22. Having regard to all of the above, the weight that I attach to the public benefits and other factors in favour of the proposal would not be sufficient in this case to outweigh harm to the character and appearance of the area and the less than substantial harm that would be caused to the designated heritage assets as a result of the siting and appearance of the development. The appeal should therefore be dismissed.

C McDonagh

INSPECTOR