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## 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**

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**Appeal Ref: APP/J4423/W/21/3277241**  
**Jessop Street, Highfield, Sheffield S1 4TF**

- 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 UK Ltd against the decision of Sheffield City Council.
  - The application Ref 21/01634/TEL, dated 3 April 2021, was refused by notice dated 28 May 2021.
  - The development proposed is a 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated 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 main parties were provided with an opportunity to comment, and I have taken any made 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 statement and the Council in the decision notice, 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. Taking the above into account, the main issue is the effect of the siting and appearance of the proposal on:
  - the safety and mobility of pedestrians and cyclists;

- the character and appearance of the area, including the Cultural Industries Quarter Conservation Area (CA); and
- whether any harm identified is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

## **Reasons**

### *Safety and Mobility of Pedestrians and Cyclists*

6. The mast and equipment cabinets would be positioned to the rear of the footpath which lines Jessop Street. The path is designed to be shared by pedestrians and cyclists. I am referred to guidance provided to me within the Manual for Streets (MfS) which states the width required to allow both pedestrians and pushchairs to pass is 1.5 metres. It also states that the acceptable minimum width of a footway should be 2.0 metres. The submitted plan indicates the remaining width of the path would be approximately 3.36m when factoring in the footprint of the mast and cabinets. I note the Council disputes this measurement, although I have no reason to disagree with it based on the evidence before me. It would therefore exceed the guidance from MfS.
7. However, these figures are for standard footpaths. The area proposed to host the mast is within a shared pedestrian and cyclist highway and while I accept there may not be a minimum width advised in this scenario, the proposed structures would nonetheless materially reduce the available width and capacity of the pavement for both pedestrians and cyclists.
8. Given its existing width, this path has clearly been designed to accommodate most eventualities with regards to mobility and flow of its users. I am therefore concerned the decreased width would cause unacceptable increased conflict between pedestrians and/or cyclists when passing one another. This would be particularly evident for wheelchair users and people with pushchairs for example and would be exacerbated during periods of maintenance when the cabinet doors would be open, thereby further reducing the available footpath width further. I am concerned this could hinder the free flow of pedestrian and cycle traffic and potentially force increased unnecessary use of the vehicular carriageway.
9. I therefore find that the siting of the proposal would unduly compromise the safety and mobility of pedestrians and cyclists. Insofar as they are material considerations, I have had regard to Policies BE10, T8 and T10 of the Sheffield Unitary Development Plan (the UDP) (adopted March 1998). These seek, among other things, to ensure development is designed to minimise the conflict between pedestrians, cyclists and motorised traffic. The proposal would also be contrary to the Framework, which advises development should minimise the scope for conflicts between pedestrians, cyclists and vehicles.

### *Character and Appearance*

10. The mast would be located in an urban area dominated by tall buildings. Moreover, there are a number of existing vertical features in the area surrounding the site, including streetlights, traffic signals and highway signs. While taller and broader than the street furniture, when taken together and

assessed in the context of the tall buildings in the area, the proposal would not appear unduly prominent or incongruous in its surroundings.

11. As the appeal site is located within the CA, the statutory requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
12. The significance of the CA is derived primarily from its role in Sheffield's industrial heritage, particularly the manufacturing of steel. The utilitarian appearance and materials of the mast and cabinets would therefore assimilate into the area given its industrial heritage and preserve the significance of the CA taking into account my earlier findings.
13. The siting and appearance of the development would not therefore harm the character and appearance of the local area and preserve the significance of the CA. Insofar as they are material considerations, I have had regard to Policies BE14, BE15, BE16 and IB9 of the UDP. These seek, among other aims, for telecommunications development to be sited and designed so as to minimise visual impact while only development which would preserve or enhance the character or appearance of the Conservation Area will be encouraged. The proposal would also accord with 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.

#### *Alternative Sites*

14. I have had regard to the submitted Site Specific Supplementary Information, although this primarily focuses on the justification for the proposed site rather than alternative sites which were discounted. I note a previous application<sup>1</sup> for a 20m mast with associated ancillary equipment on land at the junction of Margaret Street and Shoreham Street was refused due to its impacts on pedestrian movement and safety.
15. The appellant has pointed to a lack of alternative available sites because of the area that the proposed mast would serve is constrained. The information that I have in this regard is of a very limited nature, especially as to whether alternative locations would be as intrusive in the public realm. 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.

#### **Other Matters**

16. 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. However, 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.

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<sup>1</sup> 20/01227/TEL

## **Planning Balance and Conclusion**

17. I have found that the siting of the proposal would harm the safety and mobility of pedestrians and cyclists in this location. Nevertheless, the Framework advises that high quality communications infrastructure is essential for economic growth and social well-being, and that expansion of networks, including next generation mobile technology, should be supported. I do not doubt from the information provided that there is a need for such infrastructure locally. There would therefore be public benefit from the development as outlined by the appellant, and this is worthy of some weight in favour of the proposal.
18. The appellant advises that the cabinets are permitted development and do not require prior approval. However, without the mast I am unconvinced there is a realistic prospect of the cabinets being erected. In any event I have assessed all parts of the proposal together. Therefore, my conclusions on the main issues remain unaltered and I attribute this argument little weight.
19. Having regard to 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 pedestrian and cyclist safety and mobility in the area. Moreover, due to the lack of information on alternative sites, I cannot be sure that the harm I have identified is outweighed by the need to site the installation in the location proposed. The appeal should therefore be dismissed.

*C McDonagh*

INSPECTOR