



Appeal Decision

Site Visit made on 16 November 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/C4235/W/21/3280841

Kingsway, Cheadle, Stockport SK8 1LW

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Hutchison UK Ltd against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/081091, dated 2 May 2021, was refused by notice dated 6 July 2021.
 - The development proposed is a 15m Phase 8 Monopole c/c wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The name of the applicant is given as Hutchison UK Ltd in the original planning application forms, but the appellant's details are specified as CK Hutchinson Networks (UK) Ltd in the submitted appeal forms. In the absence of any conclusive information on this matter I have used the applicant's name in the banner heading above.
3. The provisions of the GPDO 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.
4. The Council has referred to a number of development plan policies in its decision notice. However, 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. As such I have had regard to the policies of the development plan and the Framework¹ only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area.

¹ The National Planning Policy Framework 2021

Reasons

6. The appeal site forms part of a grass verge that runs along the eastern side of the busy A34 Kingsway highway (the A34), which is a major transport route. The grass verges on this side of the A34 separate the road from a footpath and contain a range of street furniture that includes regularly spaced lighting columns, road signs and an existing telecommunications monopole and equipment cabinets.
7. The surrounding area is predominantly residential with a number of two storey detached houses principally orientated to face the mature trees and hedges that are present on the opposite side of the footpath to the appeal site.
8. The proposed site plan shows that the slimline monopole, which would be approximately 15 metres high, and equipment cabinets would be positioned at the back edge of the verge and next to a streetlight. The appellant has emphasised that the siting and height of the proposed mast arises from technical and operational requirements, and to prevent any obstruction to the flow of pedestrians in the surrounding area.
9. Nonetheless, the proposed mast would be appreciably taller, bulkier and more prominent than the nearby street lighting columns and would clearly project above the height of the trees. Furthermore, the A34 is a long, wide and straight road, and the proposal would be readily visible from long distances in the approach from either direction. The trees would also not be sufficiently close to the monopole to provide any obvious screening benefit. As such, it would be prominent in views through the area including from nearby residential streets and properties. Irrespective of any potential changes in its colour, the proposed monopole's excessive height and greater bulk would result in a dominant and visually obtrusive feature.
10. Furthermore, due to the proximity of the existing mast to the appeal proposal, there would be a harmful cumulative visual impact arising from the two structures. The proximity of the masts to each other, their location on the same side of the A34 and their significant height above the houses and street lighting on this side of the road is such that they would be capable of being viewed together above the skyline. The resulting cumulative view of the pair of high masts would serve to draw the eye, and further accentuate their visual presence. It would also introduce an element of perceived visual clutter at low level through the siting and amount of the ancillary equipment cabinets.
11. The appellant contends that the equipment cabinets are within the size limits to be classified as permitted development. However, I am not convinced that there is a greater than theoretical possibility that the installation of the cabinets on their own may occur. In any case, the proposal before me relates to the whole installation, and I have therefore considered the impact of all of the proposed equipment on the character and appearance of the area.
12. In light of the above I find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area. In so far as they are a material consideration, the proposal would therefore be contrary to Policies CS8, SIE-1 and SIE-5 of the Core Strategy ². These seek, amongst other matters, to safeguard and improve

² Stockport Metropolitan Borough Council Local Development Framework Core Strategy DPD 2011

the environment and to ensure that telecommunications development does not have an unacceptable effect on the character or appearance of the locality. Conflict would also arise with the Council's SPG³ which has similar objectives. The proposal would also not accord with the Framework in respect of equipment being sympathetically designed or design advice within the National Design Guide.

13. The Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It therefore supports the expansion of electronic communications networks, including 5G. As such, I am mindful of the economic and social benefits of providing and enhancing electronic communication infrastructure and 'levelling up' digital connectivity. In this case, there is no dispute between the main parties that the equipment is needed to provide a 5G network and essential coverage in the Cheadle and Stockport area. Nor is there any contention of the benefits to mobile connectivity and the network (access and speed) to a multitude of users, devices, facilities and services. These public benefits, weigh in favour of the proposal.
14. Nonetheless, the Framework requires the number of masts and the sites for such to be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It states that the use of existing masts, buildings and other structures is encouraged. Additionally, paragraph 117 of the Framework advises that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.
15. The appellant has submitted a list of alternative sites investigated including other areas along Kingsway, Broadway, Gatley Road and Lynton Road which have all been discounted. The Council has not challenged these findings. However, it has questioned why the existing mast has not been included within this list. Whilst not directly responding to this question, the appellant's statement of case argues that the possibility of fulfilling the requirement of upgrading an existing site is not available and that a shared 5G structure would require multiple levels of open antenna headframes on a considerably more bulky and intrusive support structure. It states that the least intrusive equipment configuration has been specified. Nonetheless, the appellant has not provided any details of what the appearance of the existing mast would be like, including its height, should it be redeveloped. It is therefore not possible for me to compare the two options and reach an opinion regarding their respective effects on the appearance of the area.
16. On the basis of the evidence before me I am therefore not convinced that the appellant has adequately explored whether there may be less harmful alternatives. As a result, it has not been demonstrated that the public benefits outlined above could not be achieved by redeveloping the existing mast nearby, which would be preferable in respect of siting and appearance. In this

³ Stockport Unitary Development Plan Supplementary Planning Guidance Radio Telecommunication Development

instance the public benefits associated with the proposal therefore carry limited weight.

Other Matters

17. It has been put forward that the appellant submitted a pre-application enquiry for this scheme and that no responses were received from the Council or Ward Councillors. I also recognise that the proposed monopole has been reduced in height since the previously refused application (Ref: DC/076987). However, these matters have had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me. I have also not been provided with any firm evidence to demonstrate that the appeal proposal would prevent the future development of a subway in this location.
18. The appellant contends that the site has been selected in a location as feasibly distant as possible from houses and lines of sight from windows to minimise any encroachment on residential amenity. I have also been made aware that it would not be on Article 2 (3) land or in close proximity to any listed buildings and that no statutory consultees objected to the proposal, including landscape experts, and the relevant air authorities during the planning application and pre-consultation stage. However, these matters did not appear to be contentious in the appeal and the absence of harm in these respects, would be neutral factors, that do not weigh in favour of the proposal.

Conclusion

19. Having regard to all relevant considerations, including national planning policy and the potential availability of alternative sites, I do not consider that the benefits of the installation in terms of the enhancement of the telecommunications network, including the possible sharing capabilities of the structure, its contribution to economic growth and the operational and locational needs of the operators outweigh the significant harm arising to the character and appearance of the area. As a result, the proposal would not deliver sustainable development.
20. For the reasons given above the appeal is therefore dismissed.

Mark Caine

INSPECTOR