



Appeal Decision

Site visit made on 5 January 2022

Decision by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26th January 2022

Appeal Ref: APP/F2360/W/21/3281646

Chain House Lane, Farington, Farington Moss PR4 4LD

- 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 GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of South Ribble Borough Council.
 - The application Ref 07/2021/00657/PAPTDE, dated 29 May 2021, was refused by notice dated 3 August 2021.
 - The telecommunications installation proposed is 20.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 20.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works at Chain House Lane, Farington, Farington Moss PR4 4LD in accordance with the terms of the application Ref 07/2021/00657/PAPTDE, dated 29 May 2021, and the plans submitted with it including: 002 Site Location Plan SRI17583_M001 A dated 18 May 2021; 210 Proposed Site Plan SRI17583_M001 A dated 18 May 2021; 260 Proposed Elevation SRI17583_M001 A dated 18 May 2021; 303 Proposed Antenna Schedule & Line Configuration SRI17583_M001 A dated 18 May 2021; and Penwortham Way Streetworks SRI17583_M001 A dated 18 May 2021, subject to the relevant conditions of the GPDO.

Preliminary Matters

2. The provisions under Schedule 2, Part 16, Class A of the GPDO 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. My determination of this appeal has been made on the same basis, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are relevant to the development and prior approval matters.

Main Issue

3. The main issue is whether the siting and appearance of the proposed development is acceptable, having particular regard to highway safety.

Reasons

4. The appeal site comprises a grass verge adjacent to the dual lane signalised crossroad junction at Chain House Lane. The proposed monopole and associated wraparound cabinet would be situated near other apparatus present, alongside road signage and streetlights and against the backdrop of mature trees.
5. Due to its height the proposal would be a significant addition within the immediate area. However, it would be set back from the nearby pedestrian crossing, within the grass verge and partially screened from view by existing planting. In addition, it would be behind existing chambers and streetlights, leaving the main footpath open and free from additional structures.
6. As such, the proposal would not impede the ability of pedestrians to see vehicles emerging to and from Chain House Lane when travelling along the footpaths adjacent to the A582. This is a long, straight section of footpath with clear views of the approaching junction and associated crossing which would remain unchanged. For similar reasons the proposal would not unduly impact the visibility of pedestrians to vehicle users. Drivers travelling both north and south along the A582, along with those turning into and from the eastern junction with Chain House Lane would overall have their views of surrounding footpath users unchanged due to the setback of the proposal within the verge.
7. It is acknowledged that the positioning of the proposal would partially restrict distant views of the footpath and footpath users for vehicles emerging from the western Chain House Lane junction onto the A582. However, this would be for a very brief section of the road. The wide, sweeping footpath directly abutting the junction would remain free from further development, such that road users would remain able to anticipate and observe nearby pedestrian movements. Overall, the proposal would therefore have no significant impact on pedestrian intervisibility at this location.
8. The Council has submitted that the development subject to this appeal would be close to new works proposed as part of the A582 Dualling Road Scheme, and within the proposed construction working area, impacting on highway safety. While this is acknowledged and attracts weight, this weight is limited by the fact that the A582 Dualling Road Scheme works are the subject of an application awaiting a decision and as such there is no certainty that they will be implemented. In any event, on the basis of the City Deal Delivery Team plans submitted by the Council, views towards the immediate foreground of the footpath and pedestrian crossings would remain unchanged such the proposal would have limited impact on pedestrian intervisibility.
9. For the above reasons, the siting and appearance of the proposed development, having particular regard to its effect upon highway safety, would be acceptable. Whilst not determinative, in these regards the proposal accords with Policy G17 of the South Ribble Borough Council Local Plan, July 2015 (the Local Plan), which seeks to ensure highway safety.

Other Matters

10. Interested parties have raised concerns with the visual impacts of the proposal. However, given its simple design and location among other equipment and mature trees, the proposal would not appear as an incongruous feature within the area and there would be no significant adverse visual impact.
11. Concerns have also been raised with the impact of the proposal on the privacy of nearby occupiers. However, the Council and appellant are in agreement that the

proposal would have no adverse impacts on the living conditions of surrounding residents. Based on my observations, I have no reason to disagree. Given the distance between the site and the nearby properties, and the limited time during which any maintenance would occur on the top most part of the proposal, I do not consider that there would be significant adverse impacts on the privacy of nearby occupiers.

12. Potential effects on health have been raised by interested parties. However, the appellant has provided documentation to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine.
13. Representations also queried the need for the proposal in this location. However, the Framework is clear that the need for an electronic communications system should not be questioned, and that the provision of high quality communications infrastructure, including next generation technology such as 5G, is essential for economic growth and social well-being. Furthermore, the appellant's submitted evidence indicates a need for improved coverage in this area and that the sequential approach to site selection set out in the Framework has been followed. Given my findings above, it is not necessary to undertake any detailed assessment of the merits of the alternative sites that were discounted.

Conditions

14. Any planning permission granted for electronic communications apparatus under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the Local Planning Authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

15. For the reasons given above the appeal should be allowed, and prior approval should be granted.

C Rafferty

INSPECTOR