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# Appeal Decision

Site visit made on 5 January 2022

**by Hannah Ellison BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 January 2022**

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**Appeal Ref: APP/U4230/W/21/3282661**

**Cadishead Way, Lower Irlam, Cadishead, Salford M44 5BP**

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Salford City Council.
  - The application Ref 21/78037/TEL56, dated 25 June 2021, was refused by notice dated 17 August 2021.
  - The development is described as 'Proposed telecommunications installation: Proposed 20.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works'.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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.
3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. I have had regard to the policies of the City of Salford Unitary Development Plan 2004-2016 (June 2006) (the UDP), guidance of the Salford City Council, Supplementary Planning Document, Telecommunications (October 2013) (the SPD) and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

## Main Issue

4. The effect of the siting and appearance of the proposed installation on highway safety and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

## Reasons

### *Highway safety*

5. The proposed installation would be sited on part of the grass verge at Cadishead Way, close to the junction with Excalibur Way. The immediate area is predominantly industrial in character. The Council has raised concern that the proposed siting of the installation would be within the visibility splay of vehicles leaving Excalibur Way and turning right onto Cadishead Way, thus posing a risk to highway safety.
6. Cadishead Way is subject to a 50mph speed limit. At the time of my site visit I observed that traffic speeds were generally high and there was a regular flow of traffic in both directions. Additionally, vehicles frequently used the junction adjacent to the appeal site to turn into and out of Excalibur Way. There is nothing to suggest my observations were unusual, given the classification of Cadishead Way.
7. The assertion by the Council that the proposal would be installed within the recommended visibility splay for vehicles leaving Excalibur Way and turning right onto Cadishead Way has not been challenged by the appellant. Although accident data has not been provided, the Council suggest that numerous accidents, including a fatality, have occurred in the locality. Indeed, at the time of my site visit I observed a near miss incident which appeared to be caused by a vehicle exiting Excalibur Way too slowly for a fast approaching vehicle on Cadishead Way.
8. Taking into consideration my observations and the evidence before me, it is clear to me that this is a potentially hazardous location and any further distractions or features that would limit visibility should be avoided. The introduction of the proposal within the visibility splay could increase the potential for an accident, either through necessitating drivers to edge forward of the give way line in order to observe oncoming traffic, or causing them to carry out late or dangerous manoeuvres, which would be to the detriment of the safety of road users.
9. The appellant asserts that the associated cabinets are permitted development and thus are not subject to prior approval. It has not been demonstrated how they would meet the permitted development requirements. Moreover, as they form part of the telecommunications works that have been applied for, it seems to me that the cabinets are only required in conjunction with the proposed monopole hence it is reasonable to consider the overall cumulative effect of the proposal.
10. The proposed installation would also be sited very close to the carriageway in a location where vehicle speeds and traffic volume is high and I am not aware that the proposal would be designed to be passively safe. Without evidence to the contrary, I am concerned that the siting of the proposal could also result in serious harm to road users in the event of a collision.
11. Notwithstanding my findings above regarding the siting of the proposal in the recommended visibility splay, vehicles approaching and entering Excalibur Way from the south along Cadishead Way would be reasonably expected to be travelling slower so as to turn into Excalibur Way safely. Therefore, even if the proposal would partially limit views of northbound traffic along Cadishead Way

for cyclists and pedestrians, as these road users would come to a stop before crossing Excalibur Way they would have sufficient opportunities and time to observe slowly approaching vehicles and react appropriately. Accordingly, I do not consider that the proposed siting of the installation would significantly impede intervisibility between cyclists and pedestrians on the shared footway and vehicles turning into Excalibur Way.

12. Notwithstanding that, for the above reasons and taking all the above into consideration, the siting and appearance of the proposal would cause harm to highway safety. Insofar as they are a material consideration, the proposal would be contrary to the aim for highway safety in Policies A2 and A8 of the UDP, the SPD and the Framework.

#### *Other considerations*

13. Chapter 10 of the Framework supports the provision of high quality communications, noting that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing. The appellant confirms that the proposal would contribute to improvements to 5G coverage and capacity in the surrounding area. Nevertheless, paragraph 117 of the Framework expects that an application for a new mast is supported with evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.
14. The appellant has identified a number of other potential sites, although it has not been fully explained why the specific alternative sites were considered and the reasons for subsequently rejecting them in favour of the appeal proposal are limited in detail. Whilst it is appreciated that some sites have been discounted due to underground services and obstructing tree canopies, without specific details I am not persuaded that these concerns cannot be overcome.
15. The cell search area does not appear to cover a densely populated residential area, contrary to the suggestion in the appellant's evidence. The Council has suggested that there may be other opportunities in the immediate vicinity of the appeal site which could accommodate the proposed installation and I note that there are a number of buildings and sites within this industrial estate, along with stretches of land along the highway away from the junction, which may accommodate the proposed installation without coming closer to sensitive receptors or potentially raising similar highway concerns. It has not, therefore, been satisfactorily demonstrated that there are no other less harmful sites than the site that is the subject of this appeal.
16. Accordingly, there is no compelling evidence that alternative locations have been adequately assessed. The siting of the proposal would cause harm to highway safety and this harm is not therefore outweighed by the need for the installation to be sited as proposed.

#### **Conclusion**

17. For the reasons given above, I conclude that the appeal should not succeed.

*H Ellison*

INSPECTOR