
Appeal Decision

Site visit made on 15 February 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2022

Appeal Ref: APP/R4408/W/21/3281999

Land off Wood Street, Wood Street, Wombwell, Barnsley S73 0LH

- 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 MBNL against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/0891, dated 19 June 2021, was refused by notice dated 18 August 2021.
 - The development proposed is a 22.50m monopole and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. 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. Nevertheless, I have had regard to these policies only in so far as they are a material consideration relevant to matters of siting and appearance. They are not, in themselves, determinative.
4. The National Planning Policy Framework (the Framework) supports high quality communications infrastructure and requires that local planning authorities must determine applications on planning grounds only. In accordance with the provisions of Schedule 2, Part 16 of the GPDO, and subject to any relevant exception, limitation or condition specified therein, development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network is permitted development. Therefore, the principle of the development proposed is acceptable.

Main Issues

5. The main issues are the effects of the siting and appearance of the mast on the character and appearance of the area and on the living conditions of occupiers of nearby dwellings.

Reasons

Character and Appearance

6. The appeal site is a section of a large field close to a collection of allotments, which themselves adjoin the rear gardens of dwellings fronting Hough Lane. The mast and ancillary equipment, including ground level cabinets, would be positioned on the boundary between the allotments and the open field. The immediate area is predominantly residential in use, although there is a large industrial site to the west which contains an existing mast.
7. Despite a lack of formal landscape designations, the field contributes positively to the character and appearance of the area, providing important open and green space on the edge of the built-up urban area. The submitted drawings show the height of the mast would be considerably taller than nearby dwellings and street furniture such as streetlights. While I appreciate that the proposed mast must be taller than other objects and obstructions in the vicinity in order to operate efficiently, the large size and utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its immediate residential and open setting.
8. I therefore conclude that the siting and appearance of the development would have a harmful visual effect on the character and appearance of the local area. Insofar as it is relevant, I have also had regard to Policy D1 of the Barnsley Local Plan (BLP) (adopted January 2019). The proposal would conflict with the requirements of D1 which states, among other things, that development is expected to respect, take advantage of, and reinforce the distinctive, local character and features of Barnsley.

Living Conditions

9. The mast would be sited close to a number of residential properties fronting Hough Lane. Although the allotments are positioned between the proposed development location and the rear of the dwellings, the height and scale of the mast would be a stark and imposing structure in views from the rear gardens and from rear windows serving habitable rooms of these properties.
10. Although I am referred to a future development of new housing by the Council, which is evidently located to the west of the appeal site, I have no substantive information on this and have not considered this matter further.
11. For the above reasons, I find the scale and siting of the mast would cause a significant adverse impact on the living conditions of the occupiers of those properties through poor outlook. Insofar as it is relevant, I have had regard to Policy GD1 of the BLP, which seeks to ensure there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Based on the above, the proposal would be contrary to Policy GD1.

Other Matters

12. The Framework is supportive of high-quality communications, and the proposal would bring some benefits in that respect in terms of increasing network coverage. In that context the appellant has pointed to a lack of alternative available sites because of the area that the proposed mast would serve and that transmitters for the 5G network cannot be placed on existing masts which

transmit older wireless signals and that there are constraints to placing antennae on buildings.

13. There is clear need for, and importance of, the rollout of the 5G network. 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 and businesses in the area. Cumulatively, these factors and public benefits weigh in the scheme's favour.
14. I have also taken into account that the scale of the mast, which has been reduced in width from a previously refused application at the same site. The proposed monopole is said by the appellant to be the minimum size possible to accommodate multiple-generation technologies, which cannot be placed on existing masts due to transmission issues. I acknowledge that telecommunications equipment is now a common feature of the built environment and that it is argued the cabinets could be erected without the need for planning permission. However, I have found that the proposal would harm the character and appearance of the local area and the living conditions of occupiers of nearby dwellings by reducing their outlook.
15. Moreover, the information that I have with regards to alternative sites is of a limited nature, especially as to whether alternative locations would be as prominent, harmful to the visual amenity of the area or whether it would have similar impacts on the living conditions of nearby residents. Nevertheless, the Framework states in paragraph 117 that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. Although I understand that another mast in the adjacent industrial estate would be removed, this would not lessen the harm from the proposal and in this case, such evidence is lacking as it pertains to alternative sites.
16. Although it is asserted the cabinets do not require planning permission for their installation, I have assessed the proposal as it is presented to me and to my knowledge a Certificate of Lawfulness has not been applied for. Moreover, it would appear unlikely cabinets would be installed without a mast. As such I attribute this fallback position limited weight.
17. 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. Accordingly, neither that, nor any other matter is sufficient to outweigh the harm that would result.

Conclusion

18. For the foregoing reasons, and having taken account of all relevant material considerations, I conclude that the appeal should be dismissed

C McDonagh

INSPECTOR