



Appeal Decision

Site visit made on 15 February 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal Ref: APP/N4205/W/21/3281529

Chorley New Road, Lostock, Bolton BL1 5YA

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 11435/21, dated 27 May 2021, was refused by notice dated 29 July 2021.
 - The development proposed is a 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.

Preliminary Matters

2. The name of the appellant company is spelt differently on the Application Form and Appeal Form. I have used the name as spelt on the former in this decision.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on this basis.
4. The principle of development is established by the GPDO and the provisions of the Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have, though, had regard to the policies of Bolton's Core Strategy Development Plan Document (Core Strategy) and the National Planning Policy Framework (Framework) insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. I consider the main issue is the effect of the proposed development's siting and appearance upon the character and appearance of the surrounding area.

Reasons

6. The appeal site forms part of the pavement, adjacent to a layby area that is associated with a nearby bus stop. It is located on Chorley New Road, close to the junction with Beaumont Road. This junction has multiple lanes and was carrying high levels of traffic at the time of my visit. Despite the busy character

- of this urban area, these roads are surrounded by areas of open space and undeveloped land such as the field on the opposite side of Chorley New Road, which provide a softer, verdant character to the area surrounding the appeal site.
7. The proposed mast would be broadly in line with a lamp post lighting Chorley New Road. This is the tallest item of street furniture in the vicinity of the site, with others, such as the street signs being shorter. Mature trees can also be seen to the rear of the appeal site in an area of open land. The proposed mast at 20m would be noticeably taller than the lamp post and also around double the height of the nearby trees according to the figures provided by the appellant.
 8. This section of Chorley New Road is relatively straight, and this would afford views of the proposed mast along a long stretch of the road, both from the east and west. The trees, which are located behind the footway, would not provide effective screening of the proposal in these views. The design of the mast has been put forward as the least visually intrusive solution available. Whilst for the most part it would have a slim pole design, it would nevertheless, due to the wider section at the top of the tower, have a bulky appearance that would draw the eye and result in it appearing as a visually intrusive addition to the streetscene. The opportunity to select the colour of the pole would not overcome this harm and nor would keeping the number of cabinets to a minimum.
 9. The appellant has set out that the proposal has been located as far away as possible from sensitive receptors, such as residential properties. From my site observations, given the distance and the wide angle between properties on the opposite side of Chorley New Road and the appeal site, the proposal would not be harmful to them. However, to the south, the properties on Mossdale Avenue have a closer relationship to the appeal site. The proposed mast would be seen in an elevated position from a number of these houses above the intervening trees. The height and bulky appearance of the mast would give rise to significant harm to the outlook of these neighbouring residential occupiers.
 10. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast would provide 5G coverage and a number of potential benefits have been set out by the appellant relating to improved connectivity. Reference has also been made to the Government's Future Telecoms Infrastructure Review (2018) and 'Planning for Growth' (31 March 2011). I acknowledge the benefits that would be provided, to the economy and society of facilitating 5G provision as was referenced in another appeal decision that the appellant has referred to¹. The Council have however set out in the refusal notice that there is insufficient information on alternative site options.
 11. From the submission made by the appellant, the proposal is in a highly constrained cell search area geographically and the site selection process has been influenced by various factors such as insufficient pavement widths, underground services and surrounding base stations. The appellant has considered and discounted a number of sites within the search area. The

¹ Ref: APP/G4240/W/20/3263529

Council don't however consider the consideration of alternative sites to be exhaustive. Two of the sites considered by the appellant were along Beaumont Road and whilst, amongst other factors, the presence of obstructing tree canopies may be a constraint in certain places, there are locations along this road where I was able to see that trees were not an obstruction. Similarly, I have not been provided with an analysis that demonstrates that the presence of a cycle lane or possible underground services constrain all of Beaumont Road between the site 'D8' towards the junction of Chorley New Road/Beaumont Road. As such, given that there may be more suitable alternative sites that could accommodate the proposal, I find that the analysis by the appellant is not sufficiently comprehensive in that it has not considered all reasonable options.

12. I appreciate the need for this installation is to address the provision of 5G coverage. It would provide benefits in terms of access and speed to a multitude of users in a high-density residential area and this weighs in favour of the appeal as does the potential of this proposal to facilitate future site sharing and use for future technologies negating the need for subsequent new installations. I also have no substantive reason to question the need for a new site for this proposal and the adherence by the appellant to the sequential approach in considering existing base stations/structures, site sharing or installing on an existing building or tall structure.
13. The proposal would, however, for the reasons set out above, be harmful to the character and appearance of the area. I note that a mast with a height of 20m has been kept to a minimum and is the lowest that works effectively for the Operator. The appellant has also set out the rationale for avoiding a traditional 'greenfield' mast. On the evidence before me though I am not convinced that less harmful alternatives have been properly explored and that other locations would necessarily be constrained by the presence of tree canopies or other factors. It is my overall view that the need for the proposal does not in this case, outweigh the harm.
14. Given my findings, the proposed development would conflict with paragraph 115 of the Framework and also the aims of Core Strategy Policies CG3 and CG4 which seek, amongst other matters, development that is compatible with surrounding land uses and occupiers.

Other Matters

15. The proposal would not impede the flow of pedestrians or the safety of passing motorists and there have not been any objections from statutory consultees. The proposal would also not give rise to unacceptable noise disturbance. I note the concerns in relation to the potential effects on health but the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The site is also not in an area with a statutory designation or close to any listed buildings. A lack of harm in these areas are neutral matters and do not weigh in favour of the proposal.
16. I note the appellant sought pre-application discussions and no comments were received from the LPA. This appeal follows the Council's formal decision, and I can confirm that I have assessed the development on both its merits and impacts.

Conclusion

17. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR