



Appeal Decision

Site visit made on 14 February 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2022

Appeal Ref: APP/N4720/W/21/3287766

High Street, Bruntcliffe, Morley, Leeds LS27 0DD

- 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 CK Hutchison Networks (UK) Ltd against the decision of Leeds City Council.
 - The application Ref 21/07593/DTM, dated 4 September 2021, was refused by notice dated 28 October 2021.
 - The development proposed is 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary 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 (GPDO), under Schedule 2, Part 16, Class A require the local planning authority to assess the proposed development solely on the basis of its siting and appearance. My determination of this appeal has been made on the same basis.
3. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, saved Policy GP5 of the Unitary Development Plan Review 2006 (the UDPR) and Policy P10 of the Adopted Core Strategy 2019 (the Core Strategy) are material considerations as they relate to issues of siting and appearance. In particular, they seek to resolve considerations including landscaping and design. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and this includes a section on supporting high quality communications.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area 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

Siting and Appearance

6. The appeal site is adjacent to the junction between High Street and Britannia Road, which are two of the main roads leading through this area. It would be located adjacent to the boundary wall and railings of a nearby property, on the edge of an area of hard surfacing which serves as a footpath and open space. The wider area is of a mixed commercial and residential character.
7. Due to its location on a relatively open corner site, the mast would be particularly prominent in views of the area. There are existing vertical features in the vicinity of the site, including streetlights and a CCTV pole. However, the proposed mast would be higher and of a greater bulk than the existing features, and they do not set a prevailing visual context for the design and scale of the proposal to enable it to visually assimilate with its surroundings. Although there are mature trees in the vicinity which would provide a degree of screening or a backdrop in some views of the mast, this would not be sufficient to mitigate for the prominent location and bulky design of the proposal.
8. The proposed cabinets would introduce further clutter to the streetscape. Although they would be located adjacent to a boundary wall and railings, and may be lower than the railings, the projection of the cabinets above the wall would be jarring features which would add to the incongruous and unsympathetic appearance of the proposal. The appellants submit that the cabinets are within the size limits to be classified as permitted development. However, I am not persuaded that there is a greater than theoretical possibility that the installation of the cabinets on their own may occur. My concerns in respect of this main issue and the siting of the installation therefore remain.
9. I conclude that the siting and appearance of the proposal would lead to significant harm to the character and appearance of the area. Thus, insofar as they are a material consideration, the proposal conflicts with the landscaping and design aims of Policy P10 of the Core Strategy and saved Policy GP5 of the UDPR, as well as the Framework in respect of the sympathetic design of new sites.

Alternative Sites

10. The appellants submit that they have followed the sequential approach as set out in the Framework. However, there is no substantive evidence that they have considered installing a base station on an existing building or tall structure, including buildings on the business estate to the south of the site.
11. Moreover, many of the identified options for new ground based masts in this business estate have been discounted on the basis of insufficient pavement width. However, I saw that there were extents of verges adjacent to the highway and landscaping in this less visually sensitive area which may be suitable locations for a mast and associated apparatus. It has not been demonstrated why these areas have been discounted as potential sites. On the basis of the limited reasons given for discounting sites and the nature of the locations that were considered, I am not persuaded that the appellants' consideration of alternative sites is suitably robust.

12. It has therefore not been demonstrated that the appeal site is the only viable option and that there are no suitable alternatives, even given the constraints of the 5G cell search area and operational requirements. On that basis, I am not satisfied that the harm I have identified above is outweighed by the need for the installation to be sited as proposed.

Other Matters

13. Reference has been made to various social and economic benefits that would arise from the proposal. However, those benefits have effectively been recognised by the grant of permission under Article 3(1) of the GPDO. Moreover, the GPDO is clear that the only considerations should be the siting and appearance of the proposal. Consequently, the benefits have not been taken into account in considering the matters of siting and appearance.

Conclusion

14. I have found that the siting and appearance of the proposal would lead to significant harm to the character and appearance of the area. Whilst I have had regard to the need for the installation to be sited in this area, the evidence in respect of suitable alternative locations which could address that need is not sufficient. On that basis, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR