



Appeal Decision

Site visit made on 15 February 2022

by Samuel Watson BA (Hons) MSc MRTPI

An Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 March 2022

Appeal Ref: APP/R0660/W/21/3285598

Haybrook Farm, Lower Park Road, Poynton, Stockport SK12 1EE

- 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 EE Ltd against the decision of Cheshire East Council.
 - The application Ref 21/3002M, dated 1 June 2021, was refused by notice dated 15 July 2021.
 - The development proposed is the installation of 1No. 20m 'Phase 5' street pole, 2No. shrouded antennas, 2No. 0.3m dishes and 3No. ground-based equipment cabinets and ancillary development thereto. Additional installation of planting scheme.
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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 1No. 20m 'Phase 5' street pole, 2No. shrouded antennas, 2No. 0.3m dishes and 3No. ground-based equipment cabinets and ancillary development thereto with additional installation of planting scheme at Haybrook Farm, Lower Park Road, Poynton, Stockport SK12 1EE in accordance with the terms of the application Ref 21/3002M, dated 1 June 2021, and the plans submitted with it, numbered: 002, 150 and 250 which all fall under master drawing number 1636064_N/A_76544_N/A_M001 issue B.

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 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. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. The question of whether the proposal is inappropriate development within the Green Belt does not, therefore, arise. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.

4. Nevertheless, Policies SD2 and SE7 of the Cheshire East local Plan: Local Plan Strategy 2010-2030 (the CLP) and saved Policies DC3 and DC60 of the Macclesfield Borough Local Plan (the MLP) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure telecommunications installations are suitably sited and of a high quality design that does not adversely affect heritage assets or living conditions. Similarly, the National Planning Policy Framework is also a material consideration and includes a section on supporting high quality communications.

Main Issues

5. Therefore, the main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

6. The appeal site is set within the open countryside within a paddock and immediately adjacent to a railway line. The railway forms a dividing line between the rural character surrounding the appeal site and the built-up area on the opposite side. The paddock itself has tall hedgerows to three sides with the open side facing towards what appears to be a stable block connected to Haybrook Farm.
7. The proposed mast would be a tall but narrow feature which, while utilitarian in appearance, is of a tidy and compact design. Although it would be visible in views from the surrounding area and nearby properties, including those on South Mead, by way of its design it would not be an intrusive feature. Moreover, it would not be out of keeping with its rural setting given its relatively small scale and close proximity to the railway where equally utilitarian pieces of track furniture are visible from the surrounding area.
8. At the time of my visit the trees and hedgerows were predominantly bare. Nevertheless, I find that even bare they would somewhat visually soften the proposed mast from nearby views. It is likely that while the trees and hedges are in full leaf that the mast would be largely screened in some views.
9. The cabinets associated with the mast would be relatively modest in scale and would likely be completely screened by the existing and proposed hedgerows. As such they would not adversely affect the surrounding area, either on their own or cumulatively with the proposed mast.
10. The Council have raised Haybrook, Lower Park Road, a Grade II Listed Building. Haybrook is a simple farmhouse finished in render and brickwork with a stone-slate roof. I find that the significance of this building stems from its rural setting and the extent to which the historic form and appearance of the building is still intact. Given my above findings and the distance of separation between Haybrook and the appeal site, the mast would not be an intrusive or prominent feature in views of the listed building and would result in a neutral impact on the listed building.
11. In light of the above, the siting and appearance of the proposal would not harm the character and appearance of its surroundings. In reaching this conclusion, I have taken into account, and find that the proposal would comply with, Policies

SD2 and SE7 of the CLP and saved Policy DC60 of the MLP as outlined above. It would also comply with the character and appearance aims of the Framework, including Paragraph 130.

Living Conditions

12. Haybrook and Haybrook Farm are separated from the proposal by large areas of open space and paddocks. On the opposite side of the railway are a number of dwellings, on South Mead, that are closer but still separated from the site by their gardens and the railway line. These properties all have windows and gardens which would likely afford an open and verdant outlook given their surroundings. The appeal site would likely be within the outlook of these properties.
13. Whilst the proposal would be visible from a number of surrounding properties, each is separated from the appeal site by some distance. Given this distance, the narrow form of the mast, and the low height of the cabinets, I find that the outlook from these properties would not be unduly reduced. Moreover, it would not be an overbearing feature in views and so the neighbouring occupier's enjoyment of their gardens would not be unacceptably affected.
14. I therefore find that the siting and appearance of the mast and its associated cabinets would not adversely affect the living conditions of neighbouring occupiers. I have been mindful of, and the proposal would comply with, MLP saved Policies DC3 and DC60 as outlined above. It would also be consistent with Paragraph 130(f) of the Framework which requires that, amongst other things, development promote health and well-being with a high standard of amenity for existing and future users.

Other Matters

15. It has been raised that some of the discounted locations have not been fully considered and that they would be more appropriate. However, as I have found no harm to occur from the proposal before me, neither the Framework nor the GPDO require that I consider whether there would be any better sites.
16. Concerns have been raised about potential effects on health. However, 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). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conditions

17. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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

18. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

Samuel Watson

INSPECTOR