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## Appeal Decision

Site visit made on 15 March 2022

**by Samuel Watson BA (Hons) MSc MRTPI**

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

**Decision date: 6 April 2022**

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**Appeal Ref: APP/M2840/W/21/3284778**

**Land at St Mark's Road, Corby NN17 1NA**

- 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 North Northamptonshire Council.
  - The application Ref NC/21/00336/PATEL, dated 21 July 2021, was refused by notice dated 20 August 2021.
  - The development proposed is the installation of a 15 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto.
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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 a 15 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto at Land at St Marks Road, Corby NN17 1NA in accordance with the terms of the application Ref NC/21/00336/PATEL, dated 21 July 2021, and the plans submitted with it including drawings: 002 Site Location Plan, 215 Proposed Site Plan, 265 Proposed Site Elevation.

### Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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. 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 3 and 8 of the North Northamptonshire Joint Core Strategy (the JCS) and Policy 4 of the Corby Local Plan (the LP) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure proposals are sensitive to their landscape setting, respond to their immediate and wider context and character and create safe streets.

Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and includes sections on highway safety, character and appearance, and high quality communications.

## **Main Issues**

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and highway safety.

## **Reasons**

### *Character and Appearance*

6. The appeal site is located within a small grass verge between St Mark's Road and an Army Reserve Centre. The road provides access to a trading estate which includes a large supermarket. The trading estate is separated from nearby residential development by Oakley Road, a significant thoroughfare. Given this separation and the differences in character and appearance, the trading estate and residential area are read as discrete areas. The appeal site, by way of its location, is read in relation to the trading estate which is primarily characterised by low buildings separated by significant parking areas and small areas of soft landscaping. Amongst this is a limited amount of street furniture, most prominent of which is street lighting which punctuates the skyline.
7. The proposed mast would be a tall but narrow feature which, while utilitarian in appearance, is of a tidy and compact design that would be in keeping with the character and appearance of the trading estate. Although taller than the streetlights, the mast's height would still contribute towards the sense of verticality that the streetlights create. Moreover, given the relatively limited level of street furniture near the site it would not result in a cluttering of the street scene. Therefore, whilst the mast would be prominent, it would not be an intrusive or unacceptable feature within the surrounding area. The cabinets associated with the mast would be relatively modest in scale and as such would not adversely affect the street scene, either on their own or cumulatively with the mast.
8. Although areas of soft landscaping provide an important contribution to the character of this area, the one affected by the appeal site is very small and is dominated by the surrounding areas of hardstanding and road. As such this grass verge contributes very little towards the character and appearance of the area as a whole. The proposed mast, cabinets and associated paving would result in the loss of a small area of this verge. However, given the scale of the development and the limited importance of this verge, I find that any adverse impact would not be significant or unacceptable.
9. I therefore find that 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 Policies 3 and 8 of the JCS and LP Policy 4, as outlined above. I have also been mindful of the character and appearance aims of the Framework including under Paragraph 130.

### *Highway safety*

10. As outlined above, the appeal site is within a verge between a highway, parking area and two vehicular accesses serving an Army Reserve Centre. However, it is clear from the evidence before me that the appeal site is entirely

within the grass verge and that none of the proposed development would encroach on the adjacent highway, parking area or accesses.

11. The narrow scale and form of the mast and low height of the cabinets would ensure that intervisibility between vehicles and pedestrians would not be unacceptably affected and, as the proposal would not result in the pavement narrowing, it would not have any impact on the safe and free movement of pedestrians.
12. In light of this, I find that the siting of the mast and associated works would not harm highway safety. I have been mindful of, and the proposal would comply with Policy 8 of the JCS as outlined above, and Paragraph 111 of the National Planning Policy Framework.

### **Conditions**

13. 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**

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

*Samuel Watson*

INSPECTOR