



Appeal Decision

Site visit made on 5 April 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/Q3060/W/21/3284522

**Low Wood Road, Crabtree Farm Estate, Hemphill Vale, Nottingham
NG6 7GE**

- 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 City of Nottingham Council.
 - The application Ref 21/01535/PAT, dated 4 July 2021, was refused by notice dated 6 September 2021.
 - The development proposed is a 20.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
-

Decision

1. The appeal is allowed and prior 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 for a 20.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Low Wood Road, Crabtree Farm Estate, Hemphill Vale, Nottingham NG6 7GE in accordance with the terms of the application ref 21/01535/PAT, dated 4 July 2021, and the plans submitted with it, including: 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Elevation A; 210 Proposed Site Plan; 260 Proposed Elevation; 303 Proposed Antenna Schedule & Line Configuration; 305 Equipment Schedule & Support Structure Details.

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 and any supplementary guidance only in so far as they are a material consideration relevant to matters of siting and appearance. They are not, in themselves, determinative.

Main Issue

4. The main issue is the effect of the siting of the proposal on planned highway works in the area.

Reasons

5. The appeal site comprises a grass verge located to the side of Low Wood Road (A6002). A footpath runs along much of the road but ceases just after it turns into a housing estate and before it reaches the proposed mast location. The road includes a pedestrian crossing adjacent the appeal site and is lined by tall, mature trees and street lighting to both sides. The appeal scheme proposes to install a 20m tall mast with associated ancillary works, including equipment cabinets and antennae.
6. The Council has advised that the location of the proposal would interfere with planned highway works. These include improvements to the footpath and upgrading of the pedestrian crossing over Low Wood Road. However, there is little substantive evidence of this before me, such as a plan of these works. The Council was contacted to provide such plans to substantiate these concerns, but this was not forthcoming. As such, the proposed works are likely at a very early stage of development, and I attribute limited weight to these considerations.
7. As such, I have assessed the proposal based on the evidence before me and from my own observations on the site visit. The proposed siting of the mast would be at a sufficient distance from the footpath and the pedestrian crossing so as not to interfere with pedestrian mobility. The mast and associated equipment would be contained entirely within the grass verge and none of the proposed development would encroach on the adjacent highway or footpath. The proposal would therefore not result in the pavement narrowing, nor would it have any impact on the safe and free movement of pedestrians.
8. In light of this, I find that the siting of the mast and associated works would not harm highway safety or pedestrian mobility. Insofar as they are material considerations, the proposal would comply with Policy 10 of the Greater Nottingham Aligned Core Strategies Part One Local Plan (adopted September 2014) and Policy DE2 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (adopted January 2020). These seek, among other things, to ensure development proposals contribute towards the creation of a safe and inclusive pedestrian environment.

Conditions

9. Planning permission granted for the appeal proposal under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application; must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application; and must 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

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

C McDonagh

INSPECTOR