



Appeal Decision

Site visit made on 15 February 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2022

Appeal Ref: APP/U4230/W/21/3284853

Peel Park, Land off Kenyon Way, Little Hulton, Manchester M38 0BU

- 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 MBNL against the decision of Salford City Council.
 - The application Ref 21/78041/TEL56, dated 29 June 2021, was refused by notice dated 29 September 2021.
 - The development proposed is described as 'NTQ Proposed telecommunications installation. Proposed 25m high Valmont slimline climbable monopole'.
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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 (the GPDO 2015), 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. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have nevertheless had regard to Policies DEV 1, DES 1 and DES 7 of the City of Salford Unitary Development Plan 2004-2016 (the UDP), Policy TEL 2 of the Salford City Council, Supplementary Planning Document, Telecommunications (October 2013) (the SPD) and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.
4. The description of development above is taken from the application form, albeit I have removed some of the descriptive detail for conciseness. However, during the course of the application the height of the proposed monopole was altered from 25m to 22.5m. A more accurate description of the development is included on the decision notice and appeal form as 'Prior approval for the installation of a proposed 22.5m high Valmont slimline climbable monopole with 6 antenna apertures and 4 dishes. MHA's and active routers to be fixed to headframe below antennas and associated ancillary works'. The Council determined the proposal on this basis and so shall I.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal 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

6. The proposed installation would be sited towards the corner of an area of hard surfaced land between Kenyon Way and the large recreation park known as Peel Park. The area has a predominantly leafy suburban character although there are commercial uses in the immediate vicinity.
7. There is an existing telecommunications installation, comprising a tall monopole with bulky headframe and associated works, immediately adjacent to the appeal site. On request, the appellant provided further information regarding this installation. They suggested that the mast was subject to a temporary licence and that it was to be removed subject to this appeal being allowed.
8. The Temporary Licence (TL) before me is not dated, nor is it signed by the owner or the operator. I also note that some pages of the TL have been scored out. This raises concerns in my mind over its status. I note the termination clause within the TL however, as it is undated, I cannot determine when this would take effect. There is no evidence before me from the Council in terms of timescales or whether correct procedures have been followed, nevertheless no indication that the existing installation is unauthorised or subject to enforcement action. Consequently, based on the information before me there is no certainty as to the status of the existing installation, the duration for which it would be in place or mechanism to secure its removal were this appeal to be allowed.
9. As such, I cannot reason otherwise than that the siting of the proposal, notwithstanding the appellant's evident intention, may allow for two installations of significant height and bulk sited immediately adjacent to one another. In light of the foregoing, I also cannot legitimately secure the removal of the existing installation by condition. By virtue of this siting, the proposal would result in substantial visual clutter that would be incongruously utilitarian and overly dominant due to their sheer collective presence, thus detracting from the character of the area. Such harm would arise even were the scheme before me and existing installation in place only for some time coterminously. The tall mature trees and other landscaping surrounding the site, and the generous set-back position from the highway and residential properties would not negate this harm as the proposal would remain visually intrusive when read with the existing installation.
10. Accordingly, there is a balance to be struck and consideration should be given to the need for the installation to be sited as proposed, taking into account any suitable alternatives. The need for the installation follows a notice to quit at a nearby telecommunications installation sited in an industrial estate located to the north of Manchester Road West. It is stated that the proposal will ensure digital coverage is maintained within the existing cell, with new equipment to facilitate 5G coverage. The Framework is supportive, in principle, of achieving such coverage.

11. Paragraph 117 of the Framework expects that an application for a new mast is supported with evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored. A list of six alternative sites has been provided and the appellant states that the appeal site is the only viable solution with no sequentially preferable locations within the defined site search area. However, coverage or cell search maps have not been provided thus I do not know exactly where the search area extends to.
12. Although there are residential properties in close proximity to the appeal site, the area is mixed in character, with numerous commercial sites and buildings in the locality. Notably, the industrial estate within which the installation this proposal seeks to replace is located is of a substantial size. Additionally, the existing adjacent monopole has not been explored as an alternative site where antennas may be erected, thereby sharing the existing installation in accordance with the Framework. Although I acknowledge the suggestion that this installation would be removed, the detail is scant and I have found that there is no mechanism to ensure this (nor one I can legitimately impose). Based on the very limited detail before me, I am not convinced that appropriate options have been explored, particularly in less sensitive locations, and am not therefore satisfied that the search and assessment of alternative sites is sufficiently robust to justify allowing the appeal.
13. Accordingly, the siting and appearance of the proposal would cause harm to the character and appearance of the area. Insofar as they are a material consideration, the proposal would be contrary to policies DEV 1, DES 1 and DES 7 of the UDP, the SPD and the Framework in terms of their collective objectives to ensure proposals respect local character and context. This harm would not be outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

H Ellison

INSPECTOR