



## Appeal Decision

Site visit made on 3 May 2022

**by Mr R Walker BA HONS DIPTP MRTPI**

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

**Decision date: 16 MAY 2022**

---

**Appeal Ref: APP/Y2003/W/22/3290604**

**Land off Mill Lane, Barrow upon Humber DN19 7BD**

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by MBNL against the decision of North Lincolnshire Council.
  - The application Ref PA/2021/1743, dated 23 September 2021, was refused by notice dated 20 December 2021.
  - The development proposed is proposed MBNL 20m monopole and associated ancillary works.
- 

### 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 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 which does not require regard to be given to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

### Main Issues

4. The main issues are:
  - the effect of the siting and appearance of the proposed installation on the amenity of the area with particular reference to the outlook of future occupiers of the adjacent approved residential development; 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

5. The appeal site forms part of an agricultural field located adjacent to a commercial site with outline planning permission for residential development.

- An existing monopole telecommunication mast is positioned nearby within the adjacent site and would be removed as part of the development.
6. The existing monopole has a slim profile and although a tall structure, it is positioned within the context of the commercial activity, open space and other tall vertical features including lighting and the rugby posts. The nearest residential properties are set beyond the commercial yard and in this regard the existing structure sits comfortably in its surroundings.
  7. The proposed mast would be taller than the existing monopole and it would have a much greater bulk, particularly its upper portions, than the design of the existing mast and any of the other vertical features nearby. It would be positioned very close to the edge of the approved housing scheme. Although in outline stage, it is nonetheless an extant consent and I have no substantive details regarding the layout of the scheme. Even so, given the height and width of the mast in such close proximity to the site boundary it would be a dominant and intrusive feature from a large portion of the south western area of the housing site.
  8. Telecommunication masts are common features in urban environments and the associated ancillary works would have a low height and would not harm the outlook of the future occupiers. However, in this particular location, in such close proximity to the housing site I cannot be satisfied that the proposal would not harm the visual amenity of the area with particular reference to the outlook of future occupiers of the adjacent approved residential development.
  9. I have been provided with details of the sequential approach to site selection, including other street locations considered and discounted. However, the extent and detail of this evidence provided is very brief. Moreover, the Council have identified an alternative location at the adjacent sports/playing fields that would position the telecommunication equipment away from residential properties and have a potentially similar relationship to the existing town. Even though this was suggested by the Council during the application process, rather than any pre-application process, there is no substantive evidence before me why such a location is not feasible or has been discounted.
  10. To this extent, I do not find the search and assessment of alternative sites to be sufficiently robust. As such, I am not satisfied that the harm I have identified is outweighed by the need for the installation to be sited as proposed in such close proximity to the approved residential site.
  11. I recognise that the appellant has reduced the height of the mast from an earlier application. However, I am required to assess the proposal on its own merits when considering matters of siting and appearance. As such, this does not alter my findings in relation to the positioning of the proposal in this particular location.
  12. The government is committed to supporting the deployment of next-generation mobile infrastructure and this is generally reflected in the Framework. In this regard, whilst I acknowledge the references made to various social and economic benefits, these have not been taken into account in considering matters of siting and appearance.
  13. I have no reason to question the appellants evidence regarding the need for improvements in the area, pre-application engagement or accordance with the

International Commission on NonIonizing Radiation Protection standards. Moreover, no other harms have been identified from the siting and appearance of the proposal. However, the absence of harm in relation to these matters does not alter my findings in relation to the siting and appearance in this location.

14. To conclude, the siting and appearance of the proposed installation would have a harmful effect on the amenity of the area with particular reference to the outlook of future occupiers of the adjacent approved residential development. Moreover, it has not been demonstrated that this harm is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

### **Conclusion**

15. For the reasons given above, the appeal is dismissed.

*Mr R Walker*

INSPECTOR