



Appeal Decision

Site visit made on 23 March 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/J4423/W/21/3285688

Rivelin Park Road, at the junction with Hollins Lane, Sheffield S6 5GF

- 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 Cornerstone & Vodafone Ltd against the decision of Sheffield City Council.
 - The application Ref 21/01588/TEL, dated 31 March 2021, was refused by notice dated 27 May 2021.
 - The development proposed is the installation of a 17.5 metre Apollo streetpole with 6 antennas, 1 GPS module, 3 equipment cabinets, 1 meter and Armco barrier.
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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) (GPDO) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on this basis.
3. The principle of development is established by the GPDO and the provisions of the Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have, though, had regard to the policies of the Sheffield Unitary Development Plan (UDP), the Sheffield Development Framework Core Strategy and the National Planning Policy Framework (Framework) insofar as they are a material consideration relevant to matters of siting and appearance.
4. There are conflicting references to the appeal site's location in relation to the Green Belt, with reference being made to both the site being within and outside it. The plans that have been provided by the main parties appear to show the site within the Green Belt. Even if the site is within the Green Belt, the GPDO requires, as set out above, for the proposed development to be assessed solely on the basis of its siting and appearance, considering any representations received. Therefore, the question of whether the proposal is inappropriate development and its effect on openness do not arise.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

6. The appeal site forms part of a grass verge area on the eastern side of Rivelin Park Road, close to the junction with Hollins Lane. On the opposite side of Rivelin Park Road is a predominantly residential area formed mainly of semi-detached housing. To the east of this road, is a large woodland area with land levels that fall sharply towards Rivelin Valley Road. Although there are residential and other uses in the vicinity of the site, the steep valley location provides views over a large woodland area which gives the area a distinctly semi-rural character.
7. When travelling along Hollins Lane, from an easterly direction, views of the site are obscured by the dense line of trees and other vegetation. However, at 17.5m high, the mast, in the location proposed, would be clearly seen from higher levels when travelling from a westerly direction along Hollins Lane. The undulating topography and street trees would limit some views, but it was evident from my site observations that the size of the trees and the gaps between them would afford views of the appeal proposal. This would be the case despite the location of the mast, which would be offset from the junction with Hollins Lane. These would not be long distant views but the height of the mast in this location would result in it appearing as an obtrusive, dominant feature along various stretches of the public highway.
8. The appellant has set out the rationale for the height of the mast and that it is the minimum required for the signal to reach the target area. There is however an acceptance that the proposal would exceed the height of the trees which are at lower land levels than the appeal site. There are already various vertical street furniture items such as street lighting columns and telegraph poles in the area, but these are considerably shorter than the mast proposed. I also note the intended light grey colour which, although providing some assistance in blending with the sky, would not overcome the impact of the height of the structure which would rise considerably above the height of anything around it.
9. My attention has also been drawn to the existing mast being an established feature in the streetscene and having set a precedent for a telecommunications site on the edge of a primarily residential locality. The existing mast is however around 5 metres shorter than the proposed mast. I also appreciate that such telecommunications equipment are commonly seen in a variety of locations and the proposed mast is 2.5m below the height parameters for a ground based mast¹, but it is still necessary for me to consider the effect of this proposal's siting and appearance on the character and appearance of the area.
10. It is also relevant to note that the existing mast would remain, and the proposal would be an additional telecommunications mast in close proximity to it. Whilst views of two masts together would be mainly around the junction of Rivelin Park Road and Hollins Lane, they would nevertheless be seen from various vantage points in and around this space. This proliferation of masts would result in telecommunications clutter that the eye would be unacceptably

¹ The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016

drawn to. This would be harmful to the visual amenity of an area with a semi-rural character.

11. The Council consider the large cabinets would add to street clutter and the Armco barrier would be inappropriate for the setting. Whilst the cabinets and barrier would be further structures in the streetscene, unlike the mast, given their low-level positioning, they would not be prominent and would assimilate into the landscape to the rear.
12. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast would introduce 5G coverage and improve existing 3G/4G coverage and capacity. Reference has also been made to other Government documents that set out that improved digital infrastructure can lower barriers to social and economic participation and boost productivity. I also acknowledge references to the importance of 5G mobile coverage in the post-pandemic recovery and to a range of benefits, including improved home working, faster speeds as well as transformative benefits in homes and beyond.
13. It is relevant to consider whether the benefits could be achieved by siting the proposal on a site where lesser harm would arise. From the submissions made by the appellant, the proposal is in a challenging area and the site selection process has been influenced by various factors. The appellant has considered and discounted a number of sites within the search area.
14. A number of sites such as sites² 'I' and 'J' have been partly discounted due to their location not providing meaningful coverage and capacity of the target area. The former is however within the search area defined by the appellant. Whilst this site at 'I' may have residential properties fronting both sides of the road, I was able to see at the time of my visit that there are locations along Stannington Road where the close proximity of residential properties may not necessarily be a constraint, such as locations on Stannington Road, close to its junction with Stanwood Avenue. As such, given that there may be alternative sites that could accommodate the proposal, I find that the analysis by the appellant is not sufficiently comprehensive in that it has not considered all reasonable options.
15. I appreciate the need for this installation is to address the provision of 5G coverage and improve existing 3G/4G coverage and capacity. It would provide social and economic benefits to a multitude of users in an area which comprises of a large number of residential properties, popular outdoor areas as well as commercial uses. It would also serve two key routes along Rivelin Park Road and Hollins Lane. These matters weigh in favour of the appeal, as does the potential for the 5G network to support future technological innovation and the installation providing for a mixture of voice, data and text and thereby ensuring the number of sites are kept to a minimum. I also have no reason to question the need for a new site for this proposal and the adherence by the appellant to the sequential approach in considering existing base stations/structures, site sharing or installing on an existing high building or structure.

² Discounted sites – Appellant's Planning Appeal Statement (October 2021)

16. The proposal would, however, for the reasons set out above, be harmful to the character and appearance of the area. I note that a mast with a height of 17.5m is the absolute minimum in order for the signal to reach the target area. I also have no reason to doubt that the redevelopment of the existing site would result in a much higher and more bulky solution. On the evidence before me though I am not convinced that less harmful alternatives have been properly explored and that other locations would necessarily be constrained by their geographic location or other factors. It is my overall view that the need for the proposal does not in this case, outweigh the harm.
17. I therefore conclude the siting and appearance of the proposed installation would harm the character and appearance of the area. The proposal would conflict with, insofar as they are material considerations, paragraph 115 of the Framework and also UDP Policies BE14, H14 and GE4 which seek, amongst other matters, for telecommunications development to be sited and designed so as to minimise its visual impact.

Other Matters

18. I appreciate the appellant has engaged with the Council in pre-application discussions, including on considering alternative site options. This scheme followed a previous refusal and the mast currently proposed at 17.5m high has a reduced height compared to the 20m high mast in the previous submission. I am required to assess the proposal on its own merits having regard to siting and appearance which is different in each individual case. Having done so in this case, I have found the proposal to be unacceptable for the reasons set out.
19. References has been made to changes to Permitted Development rights for well-established sites. This proposal though is for a new site which has been considered against the relevant requirements of the GPDO.
20. The proposal would not interrupt any key views and not impact any listed buildings in terms of their setting. Reference has also been made to there being no designations on the Proposals Map that would be adversely affected by the development. A lack of harm in these areas are neutral matters and do not weigh in favour of the proposal.
21. The appellant has drawn to my attention a number of appeal decisions in which there has been an assessment of the effect of a telecommunications mast on the character and appearance of the area. Whilst I have limited details of each of these referenced cases, it is also evident that an assessment was made on the circumstances of each case and I find that they are not directly comparable to the appeal before me.

Conclusion

22. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR