



Appeal Decision

Site visit made on 30 March 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/A2335/W/21/3286808

Cinderbarrow Farm Cinderbarrow Lane, Yealand Redmayne, Lancaster LA5 9RL

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE Ltd against the decision of Lancaster City Council.
 - The application Ref 21/00927/PAM, dated 20 July 2021, was refused by notice dated 23 August 2021.
 - The development proposed is described in the application form as: 'communications mast, antennas and ancillary development'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), require an assessment of 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 that basis.

Planning Policy

3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have nevertheless had regard to the policies of the development plan and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, including the effect on the setting of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site is a narrow parcel of agricultural land located within countryside and lying between a group of distinctive narrow fields and a railway cutting serving the West Coast Mainline. It is accessed from Cinderbarrow Farm via a long farm track which follows a similar line to the railway. The site is located close to a high point in the local landscape within a gently rolling

- landscape, sloping towards the A6. These fields form a scenic, open and pastoral setting to the AONB, the boundary of which is consistent with the A6.
6. When viewed from Dykes Lane, Roseacre Lane and Church Lane as well as several nearby public rights of way within the AONB, the pattern of rising regularly sized rectangular fields is clearly visible and forms the backdrop to views looking east from the nearby settlement of Yealand Conyers. Beyond these fields, in more distant views beyond the brow of the elevated land forming the appeal site, pylons, a lattice style mobile phone mast and a wind turbine are visible. Closer to and within the AONB boundary, vertical structures are limited to telegraph poles which I saw tended to line the roads.
 7. Framework paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Development within areas forming the setting of AONBs should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
 8. It is proposed to site a new 22.5 metres tall lattice tower mast and cabinets on the appeal site close to the boundary with the adjacent fields. Whilst the cabinets will likely be screened by the slight rise between the appeal site and the aforementioned viewpoints in Yealand Conyers, the majority of the mast itself would be highly visible in these views. From here, due to its height and design, it would be viewed as a substantial and dominant structure that would appear alien in this setting and at odds with the area's distinctly open pastoral character. It would extend into the skyline in these views which would emphasise its dominance on its setting.
 9. Whilst there are vertical structures visible in more distant positions from these views, I saw no such structures present within this group of rising fields or within a similar distance to the boundary of the AONB. In views from the AONB, these structures appear more distant. The proposal would introduce a vertical man-made structure much closer to the boundary with the AONB that would be highly dominant in views from within it, at odds with its character and would adversely affect its setting.
 10. In the aforementioned views from the AONB, including from Church Lane, the railway is not obvious in the vicinity of the appeal site as it is located within a cutting. Hence the overhead lines associated with it are predominantly screened by the topography and vegetation growing on the slopes. The proposal would therefore not be seen alongside existing railway infrastructure in views from the AONB. Furthermore, although the M6 is an incongruous feature in the landscape, it is a sufficiently distant horizontal feature and does not particularly intrude into the setting of the AONB in the vicinity of the appeal site.
 11. I have had regard to the support in the Framework for high quality communications and infrastructure. However, I must balance this against the Framework's aim for equipment to be sympathetically designed and camouflaged where appropriate, as well as the Framework's encouragement of development to achieve well-designed places for the long term.
 12. I accept that the scheme would improve wi-fi connectivity along a section of railway for rail passengers. However, it appears that this would be limited to those passengers travelling in Avanti West Coast Trains. There would also be benefits for customers of EE travelling along adjacent sections of the M6 as well

as those resident in the nearby village in terms of improved coverage, notwithstanding that the coverage in much of these areas is already identified as 'good'. I note that the network could also be used by the Emergency Services.

13. I accept that the appellant has undertaken an assessment of potential alternatives. However, it appears that only four other locations nearby have been considered, a relatively limited selection. In this regard I note that two (1, and 4) have been discounted in part on the basis that they are 'closer to the AONB boundary' than the appeal proposal. However as is reasoned above, the effect on the setting of the AONB is not solely down to proximity, it is also due to the elevated and open nature of the land in the vicinity of the appeal site and its current contribution to the setting of the AONB. Therefore, whilst I acknowledge the benefits of the scheme in general terms, it has not been robustly demonstrated that the circumstances in this particular instance justify allowing the scheme.
14. I conclude that the siting and appearance of the proposed lattice mast would be significantly harmful to the character and appearance of the area, including the setting of the AONB, and that the harm identified would not be outweighed by the need for that installation. The proposal would be contrary to Policy DM59 of the Lancaster Development Management Development Plan Document (2020) (the DMDPD) which seeks to ensure telecommunications equipment is sited and designed to minimise its impact on the landscape character and visual amenity of the surrounding area. There would also be conflict with Policy DM46 of the DMDPD and Policies EN2 and EN3 of the Lancaster Strategic Policies and Land Allocations DPD (2020) (the SPD) which, in summary and amongst other things, seek to ensure development proposals conserve and enhance the landscape character and visual amenity of AONBs and their setting. There would also be conflict with Policy DM29 of the DMDPD which, in summary and amongst other things, seeks to ensure new development is of an appropriate design and scale, that is appropriately sited and preserves the character and appearance of the area.
15. Similarly, there would be conflict with paragraph 115 of the Framework which requires new telecommunications sites to be sympathetically designed and camouflaged, where appropriate. There would also be conflict with paragraph 130 of the Framework which, amongst other things, seeks to ensure new developments add to the overall quality of the area, are visually attractive and sympathetic to the character and appearance of the area. Conflict would also occur with Framework paragraph 176, described above.

Conclusion

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

Paul Martinson

INSPECTOR