



Appeal Decision

Site visit made on 24 June 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2022

Appeal Ref: APP/N4720/W/22/3295225

Main Street, Aberford, Leeds LS25 3AT, 443375, 438406

- 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 CK Hutchison Networks (UK) Ltd against the decision of Leeds City Council.
 - The application Ref 21/07290/DTM, dated 20 August 2021, was refused by notice dated 20 October 2021.
 - The development proposed is 16.0m Phase 8 Monopole C/W wraparound Cabinet at base 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. As such, I have had regard to the policies of the development plan and the National Planning Policy Framework (the 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 occupiers of nearby dwellings and the partial loss of Green Infrastructure; 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 a length of grassed verge that runs along a large section of Main Street in Aberford. The grassed verges and fields to the west contribute to a verdant setting to the housing in this part of the road.
6. From the nearby residential properties and gardens along the eastern side of this part of Main Street the proposed mast would be a prominent feature at 16m tall. It would be positioned near the rear of No 14a Haverthwaites Drive (No 14a) and its rear garden. Although the property is at an angle to the proposed siting point, at such a close distance and as No 14a has a particularly small garden, the proposed telecommunications mast would be a dominant and intrusive feature. In this regard it would appear oppressive in scale.
7. To the north of 14a lies Robin Hill, which is accessed from Main Street, and is angled such that it would also have clear and dominant views of the mast as it rises above the vegetation. Although it is set back further from No 14a, given the height and in close distance to its grounds and front windows the proposal would also appear unduly intrusive.
8. There are other physical elements within the grassed verges such as street lighting and seating. However, the thickness of the mast and wider and busy functional appearance of the antenna would not be easy on the eye. I recognise its design is determined by its functional requirements. Nonetheless, it would remain a highly visible utilitarian structure, which would erode the verdant setting along the road.
9. The appellant indicates that the proposed cabinets are permitted development. However, they have been included in the application and would occupy land within the verge. The verge is designated within the Aberford Neighbourhood Plan (NP) as Green Infrastructure and Local Green Spaces. Although, the extent of land lost from the whole installation would be small, Policy GE3 of the NP indicates that development will not be permitted other than in very special circumstances.
10. The appellant has provided details of its sequential approach to site selection. This includes other nearby street locations which were considered and discounted. However, the extent and detail of the evidence provided is very brief. The Designated Search Area is loosely described but not clearly illustrated and it is unclear why alternative sites were initially considered or what search criteria was used to select sites. Several sites have been discounted due to the proximity to residential properties, yet the appeal site has been selected despite it being particularly near 14a.
11. There are other areas of grassed verge on the other side of the road that are further from residential properties that have not been considered and discounted. Moreover, to the north near the commercial premises, away from residential properties, it is unclear why only one single point (D4) has been considered and discounted. Even though the Council was given an opportunity to provide feedback during the pre-application process and did not do so, it has highlighted that an alternative consent was granted for a telecommunications mast along Aberford Road (Ref: 21/09723/DTM). There is no substantive evidence before me why such a location is not feasible or has been discounted.

12. In this regard, I consider that the search and assessment of alternative sites is not 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.
13. The government is committed to supporting the deployment of next-generation mobile infrastructure. This is generally reflected in the Framework. As such, although I acknowledge the references made to various social and economic benefits, they have not been taken into account in considering matters of siting and appearance.
14. 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. 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.

Conclusion

15. 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 occupiers of nearby dwellings and the erosion of Green Infrastructure. Furthermore, it has not been demonstrated that this harm is outweighed by the need for the installation to be sited as proposed having regard to any suitable alternatives.
16. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR