
Appeal Decision

Site visit made on 26 July 2022

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2022

Appeal Ref: APP/R0660/W/22/3295640

Highways Land, Station Road, Holmes Chapel

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval.
 - The appeal is made by EE Ltd against the decision of Cheshire East Council.
 - The application Ref 21/6346C, dated 16 December 2021, was refused by notice dated 2 February 2022.
 - The development proposed is for the installation of a mast, cabinets and ancillary development.
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Decision

1. The appeal is allowed and prior approval is granted for the installation of a mast, cabinets and ancillary development on Highways Land, Station Road, Holmes Chapel in accordance with the plans submitted for prior approval under application reference 21/6346C.

Procedural Matters

2. There is no disagreement between the main parties that the proposal satisfies the permitted development limits set out in Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Therefore, the dispute centres on whether approval for siting and appearance should be granted as required by Condition A.3 (3).
3. As the principle of development is already established by the GPDO I have had regard to the development plan policies referred to by the Council insofar as they are material considerations. I am also satisfied the Council's two reasons contested relate to siting and appearance outcomes which can be dealt with collectively.

Main Issue

4. The acceptability of the siting and appearance of the development having regard to any potential mast share options available.

Reasons

5. The appeal proposal would be positioned in a prominent roadside verge location close to commercial buildings, a community centre and sports pitch, a train station and residential uses further afield. The character and appearance of the area otherwise includes trees and greenery within a rural village location.
6. Although the mast proposed would be noticeably thicker and taller than nearby telegraph poles and lighting columns elsewhere along the highway, I disagree it

would look out of place. That is mainly because the tall trees and other greenery on the same side of the road would reduce its visual dominance. But also, because the commercial estate opposite has some visual affinity to the type of infrastructure equipment envisaged. The mast and associated cabinets have a functional appearance which would not be an uncommon feature in the street scene of commercial buildings and other built form.

7. That said, I acknowledge that mast sharing can often lead to a more uncluttered and optimal environmental solution. Therefore, the two existing telecommunication masts roughly to the north of the train station highlighted by the main parties are important options to factor.
8. In response to the alleged failure to properly assess and rule out those alternatives, the appellant has confirmed that Network Rail would not allow access to the taller existing mast, making it unavailable. Furthermore, they submit that the other existing mast close to the railway line referred to would need to be made into a significantly taller lattice type structure.
9. Based on the information available I have no reason to doubt the limitations to accessing the mast on Network Rail land. I also accept that the alteration of the other existing mast is likely to lead to a less favourable outcome in appearance terms than the appeal scheme. Thus, bringing those points together there is adequate justification before me as to why other alternatives have been discounted. Moreover, the Council had ample scope to further probe those issues during the prior approval determination period itself, if it was minded to.
10. The development would assist with advancing telecommunications network coverage provision which would aid rail users' connectivity. Those are important benefits which are reflected in the advice of the National Planning Policy Framework (the Framework).
11. The new mast would be a noticeable visual change. However, I do not find that the other alternatives mentioned would offer feasible or better solutions. Nor do I find there would be demonstrable visual harm arising from the appeal scheme itself. I have considered Parish Council and third party concerns but there is no convincing evidence tree or utility damage would occur in the space involved or that scope to use community centre land would be beneficial.
12. Accordingly, I find that the siting and appearance of the appeal development is acceptable. It accords with Policies: SE1, SD2 and CO3 of the Cheshire East Local Plan Strategy 2010-2030; and retained Policy E19 of the Congleton Local Plan 2005 which combined seek to secure good design and telecommunications apparatus that is compatible with its surroundings. It would also accord with the aims and objectives of the Framework replicating those aims.

Conditions and Conclusion

13. As the GPDO already contains plan document adherence and time limit conditions it is not necessary for me to replicate those, or to impose anything further.
14. For the reasons given above the appeal succeeds.

M Shrigley

INSPECTOR

