



Appeal Decision

Site visit made on 12 July 2022

by Samuel Watson BA (Hons) MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 27 July 2022

Appeal Ref: APP/M0655/W/22/3295607

Liverpool Road, Lingley Green, Great Sankey, Warrington WA5 2LZ

- 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 and Country Planning (General Permitted Development) (England) order 2015 (as amended).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Warrington Borough Council.
 - The application Ref 2021/40127, dated 5 September 2021, was refused by notice dated 15 October 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 15.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works at Liverpool Road, Lingley Green, Great Sankey, Warrington WA5 2LZ, dated 5 September 2021, and the plans submitted with it including drawings: 002 Site Location Plan issue D, 210 Proposed H3G Site Plan issue D and 260 Proposed H3G Elevation issue D.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), 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. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies CS1, MP2 and QE6 of the Local Plan Core Strategy (the LPCS, July 2014) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure telecommunications installations are suitably sited and do not adversely affect living conditions. Similarly, the National Planning Policy Framework (the Framework) is also a

material consideration and includes a section on supporting high quality communications.

Main Issue

5. Therefore, the main issue is the effect of the siting and appearance of the proposed installation on the living conditions of neighbouring occupiers.

Reasons

6. The appeal site is located on a large grass verge area between the main carriageway of Liverpool Road and a residential spur. The appeal site is separated from the nearby dwellings by the carriageway that serves them and part of the verge itself. On the opposite side of the main section of Liverpool Road are a variety of uses that are all set some distance away by the verge and main carriageway.
7. The proposed mast would be a tall feature which would exceed the height of the surrounding trees and houses. However, it would also be relatively narrow and whilst the antennas at the top of the mast would add some bulk, it would overall appear a fairly compact feature. I do not find it would be overly bulky or top-heavy in its appearance.
8. As a result of its siting, the proposal would be visible from a number of neighbouring dwellings. However, given the degree of separation and the form of the mast outlined above, it would not be an overbearing or intrusive feature which would unacceptably affect the outlook of neighbouring occupiers to the detriment of their living conditions. Likewise, given their scale and siting, the cabinets would also not harm the living conditions of the neighbouring occupiers.
9. I note the concern raised that the reduction in height of 3 meters compared to the previously refused scheme¹ is insufficient to remove the harm identified under that decision. However, for the reasons given above, I find that the proposal would not result in any harm to the outlook of neighbouring occupiers.
10. As a result, I find that the neighbouring occupiers would not have their living conditions unacceptably affected. I have been mindful of LPCS Policies CS1, MP2 and QE6, as outlined above, in reaching this decision, as well as the Framework, including Paragraph 130(f) which requires developments to provide a high standard of amenity for existing users.

Other Matters

11. Although I note that neighbouring occupiers have suggested the development be carried out at an alternative location, as I have found no harm to result from the development as it is before me, this matter is not determinative.

Conditions

12. Any planning permission granted for the erection of telecommunications equipment, including a mast and cabinets under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in

¹ 2021/39365

accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

13. The GPDO does not provide any specific authority for imposing additional conditions beyond those deemed conditions raised above. As such, while the Council have suggested that a landscaping condition requiring further information be imposed, it is not within my powers to impose this condition. Notwithstanding this, I find such a condition would be unnecessary for the purposes of protecting character and appearance or the living conditions of neighbouring occupiers.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

Samuel Watson

INSPECTOR