



Appeal Decision

Site visit made on 26 July 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2022

Appeal Ref: APP/Z4718/W/22/3295277

Kitson Hill Road, Mirfield, Battysford WF14 9EY

- 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 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 Kirklees Council.
 - The application Ref 2021/93507, dated 28 August 2021, was refused by notice dated 28 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 dismissed.

Preliminary Matters

2. The principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposal solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

3. The main issues are the effect of the siting and appearance of the proposal on the character and appearance of the area; 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

Character and Appearance

4. The appeal site is the rear part of a triangular area of highway land that sits adjacent to a small, grassed area at the corner of Kitson Hill Road and Kitson Hill Crescent. The immediate area is predominantly residential. The school buildings opposite, which are of a larger scale than the nearby dwellings, are set well back from the road. There are a number of commercial properties on Water Royd Lane, but these are some distance from the site. The proposal

would comprise a 15 metre telecommunications mast with ancillary equipment including ground cabinets.

5. There are several vertical structures in the vicinity including street lighting columns at regular intervals, telegraph poles, street signs and lighting columns within the school grounds. There are also two trees to the rear of the site which the submitted plans indicate are around 11 metres in height.
6. The proposal would be clearly visible and prominent within the context of the streetscape when approaching along Kitson Hill Road and the nearby residential roads, which are mainly fronted by domestically scaled dwellings. This would also be the case when viewed from a number of surrounding dwellings including those sitting at a lower level on Kitson Hill Crescent and Woodsome Drive.
7. I note that the height of the mast has been reduced from 18 metres after a previous application¹ was refused, and that it is the minimum necessary height for its purpose. Nevertheless, the proposed mast would be significantly taller and wider than any of the existing vertical features. While I appreciate that it needs to be taller than other objects in the vicinity in order to 'see' over obstructions, the large size and utilitarian appearance of the proposed mast would appear out of scale and dominant within its immediate setting and would not sit comfortably within the streetscape. This is regardless of whether the site is within a statutory designation.
8. The trees to the rear would offer some screening and natural backdrop but even when they are in full leaf, the mast would still appear conspicuously tall. During the winter months, when the tree canopies are reduced, the mast would stand out further.
9. While I note the appellant's contention that the cabinets would be permitted development, they relate to the whole installation before me and therefore should also be considered in the context of the character and appearance of the surrounding area. The clutter that would be caused by the number of cabinets, although this would only be visible when relatively close to the site, reinforces my concerns regarding the detrimental impact that the proposal would have on the character and appearance of the surrounding area.
10. This harm would not be adequately addressed by specifying the colour of the proposed mast or the equipment cabinets.
11. I therefore conclude that the siting and appearance of the proposal would significantly harm the character and appearance of the area. Consequently, it would be contrary to Policy LP24a of the Kirklees Local Plan Strategy and Policies, adopted 2019, which, amongst other matters, requires proposals to respect and enhance the character of the townscape, heritage assets and landscape.

Alternative Sites

12. Paragraph 115 of the National Planning Policy Framework (the Framework) states that the number of communications masts and the sites for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable

¹ Application reference 2021/92399

capacity for future expansion. Framework paragraph 117 states that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development, and for a new mast, this should include evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.

13. As described in the appellant's Site Specific Supplementary Information, 10 locations in addition to the appeal site were considered, all of which were discounted. However, the information that I have in this regard is of a limited nature, especially as to whether alternative sites would be as prominent or whether antennas could be placed on nearby buildings and structures. While recognising the difficulties in finding a suitable site, I am not persuaded that the submitted evidence is sufficient to satisfactorily demonstrate that there are no suitable alternative sites available which would cause less harm to the character and appearance of the area than that which I have identified.

Other Matters

14. The appellant considers that the proposal represents a sustainable form of development and that such an objective should inform decisions as outlined in the 'Letter to Chief Planning Officers: Planning for Growth' dated 31 March 2011. However, the fact that the proposal may represent a sustainable form of development does not overcome the harm to the character and appearance of the surrounding area that I have identified.

Balance and Conclusion

15. I have found that, owing to its siting and appearance, the proposal would cause significant harm to the character and appearance of the area.
16. The need for a new site is to address capacity issues within the area and to facilitate an improvement and extension of 5G coverage. The proposal would benefit users and would contribute to the delivery of advanced, high quality and reliable communications infrastructure, which is recognised as being essential for economic growth and well-being in paragraph 114 of the Framework. Furthermore, paragraph 114 goes on to state that decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). These benefits have positive weight in the overall planning balance.
17. I recognise the need to provide additional telecommunications coverage within the locality and that the Government's support for telecommunications infrastructure needs to be carefully balanced against the visual impact of the proposal. In this case, in undertaking such a balance, the benefits of the proposal would not outweigh the significant harm that would be caused to the character and appearance of the area.
18. For the above reasons, taking into account the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR