



Appeal Decision

Site visit made on 27 September 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal Ref: APP/X4725/W/22/3295522

Chequerfield Lane, Willow Park, Pontefract WF8 2TG

- 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 (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 21/02277/TEL, dated 5 September 2021, was refused by notice dated 4 November 2021.
 - The development proposed is Erection of 15m Phase 8 Monopole with wraparound cabinet at base, 3no. equipment cabinets and associated ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for a 15m Phase 8 monopole with wraparound cabinet at base, 3no. equipment cabinets and associated ancillary works, at Chequerfield Lane, Willow Park, Pontefract WF8 2TG in accordance with the terms of the application, Ref 21/02277/TEL dated 5 September 2021 and the plans submitted with it:-
 - Location Plan and Photo, drawing reference 002 Revision D
 - Proposed Site Plan, drawing reference 210 Revision D
 - Proposed Visibility Splay Plan, drawing reference 211 Revision D
 - Proposed Elevation, drawing reference 260 Revision D
 - Proposed Antenna Schedule and Line Configuration, drawing reference 303 Revision D
 - Proposed Equipment Schedule and Details, drawing reference 305 Revision D
 - Site Specific Supplementary Information, document reference WKF16948
 - Cover Letter, document reference WKF16948
 - ICNIRP Certificate, document reference WKF16948_M004

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on this basis.

3. The principle of development is established by the GPDO and the provisions of the Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have, though, had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. I consider the main issue is the effect of the siting of the proposed development, with specific reference to highway safety.

Reasons

5. The appeal site is located on a grass verge adjacent the footway to Chequerfield Lane. De Lacy Primary School is immediately to the west and a play area to the east. The area is predominately residential in nature.
6. The accompanying cabinets would be small in scale and even when seen with the monopole would not amount to an extensive array of structures. The monopole and associated cabinets would also be identifiable for their function.
7. The issue of contention is the visibility for vehicles leaving the school, as the proposal would be in the field of view of the driver looking left from the access. From my site visit, I could envisage that the monopole would partially obscure the field of view. However, the monopole would have a slender profile and oncoming traffic close to the junction would not be obscured. Also, vehicle speeds would be heavily reduced given the presence of the school and all the signage and road markings that accompany it.
8. I recognise that my site visit represents a snapshot in time and the level of traffic and speed of vehicles would vary. Nonetheless, whilst I have not been supplied with data of the average speed levels along this stretch of road, these features had the effect of slowing traffic during my site visit. Moreover, I have not been provided with evidence of any vehicle accident incidents at the junction.
9. Having regard to the extent of visibility achievable for the driver exiting the school to the left, I am satisfied that there would be adequate visibility, to not result in an unacceptable highway safety risk or harm to the free flow of traffic. As such, I find no conflict with the requirements of Policy D14 of the Local Development Framework Development Policies Document which, amongst other matters, expects development to ensure the safe and free flow of traffic within the development and on the surrounding highway network, as well as the relevant guidance set out in the Framework.

Other Matters

10. The Council did not oppose the siting or appearance of the monopole and cabinets in terms of their visual impact. In considering the need for the proposal, Government policy, as set out in the Framework, strongly supports the provision of high-quality telecommunications infrastructure, which is seen as essential for sustainable economic growth and for enhanced provision of local community facilities and services.

11. The appellant has set out details of the site selection process, in line with the requirements of the Framework, with others being discounted due to insufficient space, property or highways issues. However, as I have found the proposal acceptable in terms of its siting and appearance, it is not necessary to consider whether other potential sites exist for the development. I am also cognisant of the fact that the Framework makes it clear that in determining applications, the need for an electronic communications system should not be questioned.
12. Similarly, the Framework states that local planning authorities should not set health safeguards different from the International Commission guidelines for public exposure. The appellant has confirmed that the proposal would meet the relevant guidelines in this case.

Conditions

13. The GPDO does not provide any specific authority to impose conditions when granting prior approval beyond the deemed conditions for development by electronic communications code operators set out in the GPDO.

Conclusion

14. For the reasons set out, I conclude that the proposal is acceptable in terms of its siting and appearance, and that prior approval should be given. Therefore, the appeal is allowed.

Paul Cooper

INSPECTOR