



Appeal Decision

Site visit made on 5 October 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/J4423/W/22/3298349

Owlthorpe Greenway, Waterthorpe, Sheffield, South Yorkshire S20 7HD

- 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 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 Sheffield City Council.
 - The application Ref 21/04628/TEL, dated 27 October 2021, was refused by notice dated 14 December 2021.
 - The development proposed is described as *"Proposed 5G telecoms installation: H3G Phase 8 18m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets"*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The name of the appellant company is spelt differently on the application form to all other documentation submitted with the appeal. The appellant has clarified the correct spelling, which I have utilised in this decision.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order), 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.
4. The principle of development is established by the Order and the provisions of Schedule 2, Part 16, Class A of the Order do not require regard be had to the development plan. I have had regard to the policies of the saved policies of the Sheffield Unitary Development Plan (UDP) 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 Issue

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area; and if any harm is identified whether that harm would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

Character and Appearance

6. The appeal site is situated on the north side of Owlthorpe Greenway, a busy main road which runs between residential areas on either side. Along the length of Owlthorpe Greenway areas of trees and shrubs are interspersed with amenity grassland which together make a positive contribution to the character of the area. Housing development is set well back from the road, which is relatively free of street furniture except for slender street lighting columns which are located at regular intervals.
7. The proposal would be located within an expansive, open grassed area between houses on May Tree Lane and the carriageway. The proposed mast and associated cabinetry would, thus, be viewed against a backdrop of the gable ends of two storey houses and the landscape planting along the road. However, the height of the proposed mast would be significantly greater than the existing housing, landscape planting and streetlighting columns along the road. It would also be substantially greater in thickness and noticeably different in shape than the existing, limited, street furniture.
8. I note that the proposal has been sited away from pedestrian routes so as not to have a detrimental effect on users. However, no obvious attempt has been made to integrate the mast and the associated equipment cabinets into the street scene and as a result they would appear alien and isolated in this context. Nor would the presence of trees and street lighting provide any effective screening for the equipment. Rather the proposal would stand out as an incongruous feature and would create visual clutter within the open grassed area. The appearance of the proposal would not be mitigated by painting the equipment grey as this would not alter the fundamental issue of its scale, height and siting, which set against the verdant backdrop of the grass, shrubs and trees, would fail to integrate the development into the area. The proposal would thereby cause harm to the character and appearance of the area.
9. Therefore, insofar as they are a material consideration, the proposal would be contrary to the aims of UDP policy BE14 which states that new telecommunications development should be sited and designed to minimise its visual impact, with new equipment being sited on existing structures where feasible. There would also be conflict with Policy H14 (a) and (l) of the UDP which, amongst other things, seeks to ensure new development is of an appropriate design and scale, that preserves the character and appearance of the area which seek to minimise the impact of development on the visual amenity of a locality as well as the aims of the Framework in achieving well designed places. The proposal would also be contrary to Paragraph 115 of the Framework which requires new telecommunications sites to be sympathetically designed and camouflaged where appropriate.
10. I accept that the appeal site location does not lie within a conservation area or subject to any other such constraints. It is also clear that the site lies within an urban area and that telecommunications infrastructure is commonly seen within such areas. However, the siting and appearance of the proposal would be harmful to the character and appearance of the surrounding area and as such would be contrary to UDP policies BE14 and H14.

11. I have attached significant weight to the benefits that the roll out of 5G coverage would provide. However, these are not sufficient to outweigh the adverse effect that the proposed installation would have on the character and appearance of the area.

Alternative Sites

12. For a new mast or base station paragraph 117 c) of the Framework requires the developer to submit evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. The appellant states that the cell search area is very constrained with options limited, and that the proposed location is the only viable option. The appellant has considered and discounted a number of other sites, which are listed and described and that opportunities for site sharing have been investigated and no suitable structures or properties in the designated search area that could be identified.
13. However, the level of detail for the discounted options is somewhat limited. One has been discounted due to 'proximity to residential properties' and another due the presence of other telecommunications equipment. Nor have I have not been provided with persuasive evidence that mast sharing has been fully explored as an option and the appellant does not advise why the discounted sites would be more harmful than the appeal site in this regard.
14. Therefore, for these reasons, I am not satisfied that a thorough review of possible site options within the cell search area has been conducted. As a result, the harm I have identified to the character and appearance of the area is not outweighed by the needs for the installation to be sited in the proposed location.

Conclusion

15. In coming to my decision, I have had regard to the advice in the Framework in respect of the installation of telecommunications equipment. Approval of this application would help to provide reliable and efficient digital communications to help meet the needs of businesses and communities, enabling users to work efficiently wherever they are located. However, these benefits would not outweigh the harm that I have identified above.
16. Therefore, for the reasons given, I consider that the siting and appearance of the proposal would be unacceptable. The appeal should therefore be dismissed.

K L Robbie

INSPECTOR