



Appeal Decision

Site visit made on 13 December 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/P3420/W/22/3304470

BT Exchange, Fairgreen Road, Baldwins Gate, Stoke on Trent, Staffordshire ST5 5BU

- 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 EE Ltd against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 22/00262/TDET, dated 25 March 2022, was refused by notice dated 6 May 2022.
 - The development proposed is a monopole style telecommunications mast, antennas and ground based cabinets and associated development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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. The principle of development is established by the GPDO and 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 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.
4. The Council's second reason for refusal related to the potential impact of the proposed development on nearby trees, including a birch tree which is covered by a Tree Preservation Order. However, following the submission of further documents by the appellant, including an arboricultural impact assessment and tree protection plan, the Council has confirmed that it no longer wishes to pursue the second reason for refusal. I have determined the appeal accordingly.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm is identified, whether it

would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The appeal site is located within the grounds of an existing BT Telephone Exchange building on the northern side of Fairgreen Road. Several mature trees are sited on an area of land to the north between the appeal site and the railway line, which sits at a lower level in a deep cutting. The surrounding area is otherwise predominately residential in nature, including Fairgreen Road a cul-de-sac which consists of largely detached dwellings.
7. Whilst there are vertical features nearby, including streetlights, telegraph poles, and an existing pole on the south-eastern elevation of the telephone exchange building, these are typically slimline in design and of modest height. The proposed monopole would be 20 metres in height and significantly taller, bulkier, and more prominent than these existing features, as well as being taller than other surrounding built form which are primarily two-storey dwellings. Consequently, the proposed development would appear as a dominant feature that would be at odds with the prevailing size and scale of the existing street furniture.
8. The nearby railway line contains gantries and other structures and infrastructure associated with the railway. Although many of these structures are of substantial size and height, as the railway is situated at a lower level their visual impact is significantly reduced. As a result, these structures are not overly prominent and do not represent dominant features within the street scene and wider surrounding area.
9. The group of mature trees located to the north of the appeal site provide an element of screening of the proposed development, particularly when travelling from the north-east along the A53. However, their effect would be limited due to the overall height of the monopole which would project above the top of the trees. Furthermore, despite providing a backdrop to the proposed mast, the trees would provide no screening of the development from views within Fairgreen Road itself. As a result, the proposed development would fail to integrate with the prevailing residential character of the area and would appear as an incongruous addition that would be unduly visible and prominent within the street scene.
10. I acknowledge that the utilitarian design and appearance of the proposed mast is typical of other telecommunications masts found throughout the country, and that it is unlikely that a more visually appealing design could be achieved. However, this does not alter my view with regards to the harm I have identified above that would be caused by the siting of the proposed development in this location.
11. Accordingly, having regard to its siting and appearance, the proposed development would cause harm to the character and appearance of the area. In so far as they are a material consideration, the proposal would be contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted October 2009), Policy T19 of the Newcastle-under-Lyme Local Plan 2011 (adopted October 2003), and Policy DC2 of the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan (made October 2019). These policies, amongst other

matters, seek to ensure that developments do not adversely affect the street scene and reflects local character in terms of its height, scale, and massing.

Alternative Sites

12. For a new mast or base station paragraph 117 c) of the National Planning Policy Framework requires the developer to submit evidence to justify the proposed development, including that they have explored the possibility of erecting antennas on an existing building, mast, or other structure. The appellant states that opportunities for site sharing have been investigated, with there being no suitable structures, buildings, or existing masts in the designated search area which could be used. However, I have not been provided with any details of the extent of buildings or other structures that could support the proposal. Whilst there may be none available in the search area or that those options are unviable, there is little information before me on those alternative sites.
13. With regards to potential alternative locations for a new ground-based installation, the appellant contends that there are other locations where the proposed development could be sited although these sites offered no appreciable benefit over the appeal site. In this instance however, the appellant has failed to provide information concerning the specific locations of these alternative sites with a lack of supporting evidence or information to demonstrate that these alternative sites would be more harmful than the appeal site.
14. I recognise that one of the primary functions of the proposed development would be to improve Wi-Fi connectivity on-board trains passing along the nearby railway line which forms part of the West Coast Mainline, and that Network Rail land and assets are currently unable to be used by the appellant. However, whilst I acknowledge the need for the proposed mast to be located near to the railway for operational reasons, I consider that insufficient information for discounting of other sites has been provided with little evidence submitted to support the appellants contention that other sites were unavailable or unsuitable. As a result, the harm I have identified that would be caused to the character and appearance of the area would not be outweighed by the argument for installing the development on the appeal site.

Other Matters

15. In order to meet health safeguards, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Planning Balance and Overall Conclusion

16. Paragraph 114 of the Framework supports the expansion of electronic communications networks, including next generation mobile technology. There would be social and economic benefits from the proposal in these regards, which would help facilitate the provision of 5G communications, which would

help the delivery of economic growth, as well as enhancing local facilities and services via better connectivity and communication. The proposal would also improve the on-board Wi-Fi capabilities on trains travelling along this part of the West Coast Mainline as well as providing additional coverage and capacity for existing users in the area and the emergency services. I attribute moderate positive weight to these benefits.

17. However, these benefits are outweighed by the harm I have identified above to the character and appearance of the area, to which I attribute considerable weight. In addition, the lack of a robust alternative site search has failed to demonstrate the need for the installation to be sited as proposed and that the benefits could not be achieved in a less harmful location.
18. For the reasons given above, I conclude that the appeal should be dismissed.

David Jones

INSPECTOR