



Appeal Decision

Site visit made on 21 February 2023

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 February 2023

Appeal Ref: APP/N4205/W/22/3306990

College Way, Gilnow, Great Lever, Farnworth, Bolton, BL3 5DB

- 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 Hutchinson Networks (UK) Ltd against the decision of Bolton Metropolitan Borough Council.
 - The application Ref: 14038/22, dated 19 June 2022, was refused by notice dated 25 August 2022.
 - The development proposed is a 16.0m Phase 8 Monopole C/W wraparound cabinet 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 16.0m Phase 8 Monopole C/W wraparound cabinet and associated ancillary works at College Way, Gilnow, Great Lever, Farnworth, Bolton, BL3 5DB in accordance with the terms of the application Ref: 14038/22, dated 19 June 2022, and the plans submitted with it including the plan numbered BLN10177_M005 Issue E.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.

Main Issue

3. The main issue is the effect of the siting and appearance of the proposed installation 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

4. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the

development plan and any related guidance and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

5. Nevertheless, Policies CG3 and TC11 of the Bolton Core Strategy Local Plan are material considerations as they relate to issues of siting and appearance. In particular, CG3 seeks to ensure development is compatible with the surrounding area and TC11 seeks to ensure that the distinctive townscape qualities of Bolton town centre are protected, strengthened and enhanced. Similarly, the National Planning Policy Framework is also a material consideration. This advises at Paragraph 114 that *'advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections'*.
6. The mast would be 16m high and located in a commercial part of Bolton, close to college buildings and a busy road network. It would be located in the street not far from a streetlight that is just over 10 metres high. The adjacent modern college building, set back from the street, is around 13 metres high and has a flat roof. There is also a tree nearby which is around 8m high. So whilst there are a number of tall objects nearby none are as tall as the proposed monopole. Although it would be slim for the most part, the upper section containing the antennae would be bulkier. There is no doubt it would be highly visible in the street scene and appear much taller than other structures and objects nearby.
7. Notwithstanding this, I am mindful that it would blend in, to a large degree, with the busy streetscene and it would be sited away from residential dwellings. Moreover, there is clearly a demonstrable need for such equipment in this area and the search area where it could be located is limited. I note that the appellant has considered alternative options, including alternative locations and mast sharing, but that this has not been successful because the required search area is very small. Whilst the Council argue that only public land has been considered, the amount of private land in the search area will be limited because of its small size and much of it appears to be covered by buildings. Moreover, it seems that wherever it was sited within this area it would be equally prominent because the search area is centred around main roads.
8. Drawing together my conclusions, whilst there would be some moderate harm to the character and appearance of the area as a result of the introduction of the monopole as a result of its overall height this would be outweighed by the need for such technology in this area in order to provide high quality network coverage and the lack of alternative sites.

Conditions

9. Any planning permission granted for the development 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), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in 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.

Conclusion

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

Louise Crosby

INSPECTOR