



Appeal Decision

Site visit made on 31 January 2023

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2023

Appeal Ref: APP/U4230/W/22/3306934

Cross Lane, Pendleton, Salford M5 4AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Salford City Council.
 - The application Ref 22/80109/TEL56, dated 19 June 2022, was refused by notice dated 24 August 2022.
 - The development proposed is described as 16.0m Phase 8 Monopole, C/W wrapround Cabinet at base 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 wrapround Cabinet at base and associated ancillary works, at Cross Lane, Pendleton, Salford M5 4AA, in accordance with the terms of the application Ref 22/80109/TEL56, dated 19 June 2022, and the plans submitted with it, ie 002 site location plan 002, 100 existing site plan, 150 existing elevation, 210 proposed site plan, and 260 proposed elevation.

Preliminary Matters

2. For clarification at the outset, the appellant applied to the Council to determine if prior approval was required for the siting and appearance of the proposed development. I have determined the appeal on this basis.
3. Because this is an application for prior approval, the provisions of the GPDO require the local planning authority to assess the proposed development solely based on its siting and appearance, taking account of any representations received. My determination of the appeal has been made on the same basis.
4. For such appeals there is no requirement to have regard to the development plan as there would be for development requiring planning permission. Nevertheless, saved policy DEV1 of the City of Salford Unitary Development Plan 2004-2016 (2006), (UDP), and policy TEL1 of Salford City Council Supplementary Planning Document: Telecommunications (2013), (SPD), are material considerations as they include matters related to siting and appearance. The Framework is also a material consideration.

5. I understand that the Emerging Greater Manchester Local Plan (EGMLP) is still being examined. I have not been provided with any details regarding whether there are any unresolved objections to emerging policy DG1, and if so the extent of such objections. I therefore attach limited weight at this stage to EGMLP policy DG1 as a material consideration.

Main Issues

6. The main issues are whether the siting and appearance of the proposed development causes any harm, and if so whether such harm is outweighed by the need to site the proposal in the location proposed, having regard to the availability of alternative sites.

Reasons

7. I note that the Council's Decision Notice does not allege any harm with respect to the siting and appearance of the proposed development. Nor is any harm identified/referred to in the Council's Appeal Statement or the Council Officer's delegated report.
8. In summary, the sole reason for refusal is that the appellant has not provided sufficient information regarding the exploration of alternative sites to justify the development. There is no mention of the siting and appearance being harmful. Additionally, the Council's Appeal Statement focuses on the matter of alternative sites.
9. With reference to siting and appearance, although the Officer's report states that the main issue is to consider whether the siting and appearance of the proposal would have an impact that would warrant a refusal, there is no conclusion on these matters.
10. The report acknowledges that a telecommunications mast will always result in some degree of visual impact. It also notes that although the proposed mast would be taller than surrounding infrastructure and buildings, the applicant has taken steps to reduce impact by siting the equipment at the back of the pavement alongside existing street furniture; proposing a relatively slim monopole; and proposing that the mast and equipment housing will appear as grey steel to reduce discordance with the surrounding environment. The report also notes that the Local Highway Authority raised no objections regarding siting and appearance in respect of pedestrian movements/highway safety.
11. Considering the above, I am compelled to conclude that as the Council has not alleged any harm regarding siting and appearance then no harm would occur. Consequently, there is no need to consider alternative sites.
12. I acknowledge the requirements of saved policy DEV1 of the UDP and sub paragraph 117 c) of the Framework regarding evidence of exploration of alternative sites. However, there is no requirement in the GPDO or the Framework for developers to select the best feasible site from a range of sites that may be available. The exploration of alternative sites would only be required if it was concluded that the siting and/or appearance of the proposal would cause harm

Conclusion

13. For the reasons outlined, I conclude that the appeal is allowed, and prior approval is granted.

J Williamson

INSPECTOR