



Appeal Decision

Site visit made on 7 February 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/X4725/W/22/3306828

5 Kingsley Avenue, Crofton, Wakefield, West Yorkshire WF4 1RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Allanson against the decision of Wakefield Metropolitan District Council.
 - The application Ref 22/00910/FUL, dated 25 April 2022, was refused by notice dated 4 July 2022.
 - The development proposed is a portable mast and antenna system for amateur radio use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The mast and antenna system are already sited within the garden. Plans have been provided which appear to broadly accord with the development on the ground. For the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.
3. The appellant contends that as the system is less than 3 metres in height when retracted, is fully portable and so can be taken off site, that it constitutes permitted development. The appeal has been submitted following the refusal of the planning application. It is not the purpose of this appeal to assess whether the proposal is permitted development and so I shall determine it based on the matters before me. In the event that the mast does not need permission, then that is a matter for the parties to resolve outside of this appeal process.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and
 - If the development is inappropriate, whether the harm by reasons of inappropriateness, and any other harm, would be clearly outweighed by

other considerations as to amount to the very special circumstances required to justify the proposed development.

Reasons

Whether inappropriate development

5. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 149 and 150 of the Framework define the types of development that are regarded as exceptions to inappropriate development in the Green Belt. A mast and antenna are not included within these lists. Therefore, the mast and antenna system is inappropriate development. In this respect it fails to accord with the Framework and Policy CS1 of the Wakefield District Local Development Framework (LDF), April 2009, which requires development to conform to national, regional and LDF policies relating to the Green Belt.

Openness of the Green Belt

6. The appeal site is a semi-detached house with the proposal located within the rear garden. The mast is green and has a 2D style antenna which is a horizontal structure, sited parallel to the ground. When the mast is retracted, which it was at the time of my site visit, it merges with the other domestic features on the site, such as fences and washing lines. Therefore, spatially, the proposal would relate to the current development on the site.
7. When the mast is at a full height of 12 metres, which the appellant considers would be on a temporary basis, for improved reception and operational use, the mast would be highly visible. It would be as high as the adjoining housing, and in combination with the antenna, despite it being a lightweight structure, it would be intrusive and visible from a wider area. There are no other structures at this height in the vicinity of the mast and so when it is at full height, it would reduce the openness of the site and the area. As the mast is retractable, and would rarely be at the extended height, it would result in intermittent harm.
8. The appellant has suggested that conditions could be imposed to control use of the mast at full height. If I were to accept that an enforceable condition could be conceived, there would, nevertheless, periodically, still be periodic effects on openness that would not occur if the mast were not present. The Framework indicates that the fundamental aim of Green Belts is to keep land permanently open, and the proposal would cause harm in this regard.

Character and appearance

9. The appeal site is within an area of residential development which lies along an A-road and backs onto agricultural fields. Kingsley Avenue, in which the appeal site is located, is within a cul-de-sac which looks out onto the surrounding fields in the adjoining countryside.
10. The garden slopes downwards from the house to the end of the garden. The mast is sited roughly in the centre of a lawned area on four extendable legs that are 1.5 metres across. Therefore, it does not extend across the full width of the garden.
11. The rear garden is surrounded by high, wooden, vertical fencing. Due to the gentle slope of the land, the mast is likely to be clearly visible from the gardens

that are lower and are located to the west of the site. However, along the boundary with No 3 Kingsley Avenue and No 511 Doncaster Road there are trees and bushes, so that when the mast is retracted or no higher than I saw on my visit, then it is not highly visible. I noted that the mast could be seen from a viewpoint on Kingsley Avenue, in the gap between Nos 3 and 5.

12. However, whilst radio masts are not frequently found in gardens, at the height, and from the angle that I viewed it, it appeared as a lightweight structure which is not prominent and does not block views of the surrounding area. The proposal is sited in a residential garden which is enclosed by other residential gardens and the mast in this position is barely more obtrusive than the general paraphernalia that is generally found in such locations, when retracted.
13. When the mast is extended above a height of 3 metres, there could be some visual intrusion. However, if, most of the time it was in a retracted form, the effect on the character and appearance of the area would be limited. It therefore accords with Policy D9 of the LDF which requires design to respect the character of the locality.

Other considerations

14. In support of the proposal, the appellant has cited, and details have been provided, of a radio mast at 16 Woodhouse Lane, Kirkhamgate¹. Here an appeal was allowed elsewhere in the Green Belt where other considerations did outweigh the harm to the Green Belt. The site circumstances of this case were different, including it being in a large garden, in a small cluster of development with other non-residential uses nearby, and close to a motorway. The public benefits cited by the Inspector in that case have not been demonstrated to be equally applicable in the current case. Whilst the appellant has declared that there are many amateur radio stations and antenna systems within the Green Belt in Wakefield district, I have not been provided with the details of these other cases, and so I must determine the appeal based on the matters for me. These examples do not, therefore, indicate that I should determine the current appeal in any particular way.
15. The appellant has highlighted that he has been interested in radio technology for a considerable time and that it takes many years to become a competent amateur radio user. Furthermore, the appellant has stated that he has tried to work with the Council to find a resolution, including having a less intrusive structure to reduce the impact on the appearance of the area and the effect on neighbouring properties. Whilst I understand the training and experience that the appellant has undergone, and his attempt to provide a satisfactory outcome, these are neutral matters in the determination of this appeal, which must be determined on the merits of this particular proposal.

Planning balance

16. The Framework confirms that the Government attaches great importance to Green Belts. Substantial weight should be given to any harm to the Green Belt, and I have found that the proposal would constitute inappropriate development in the Green Belt and is, therefore, by definition, harmful to it. Whilst it would not result in continual harm to the openness of the Green Belt, it would, nevertheless, be additional harm that must also receive substantial weight.

¹ APP/N4720/C/99/1021312

17. The Framework confirms that inappropriate development should not be approved except in very special circumstances. It goes on to confirm that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
18. I have found that the proposal, would have a limited effect on the character and appearance of the area and that would not conflict with the development plan on this issue.
19. However, for the reasons given, this, and the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development therefore do not exist.

Conclusion

20. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
21. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR