



Appeal Decision

Site visit made on 4 April 2023

by Samuel Watson BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 May 2023

Appeal Ref: APP/U4230/W/22/3310464

Worsley Brow, Worsley, Salford M28 2HL

- 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 appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Salford City Council.
 - The application Ref 22/80292/TEL56, dated 24 July 2022, was refused by notice dated 21 September 2022.
 - The development proposed is a 16.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policy A6 of the Salford Local Plan: Development Management Policies and Designations (the SLP, January 2023) and Policy TEL3 of the Salford City Council Supplementary Planning Document: Telecommunications (the SPD, October 2013) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure telecommunications installations are suitably sited and do not adversely affect highway safety. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and includes a section on supporting high quality communications.
5. Although the Council also referred to Policy A8 of the City of Salford Unitary Development Plan 2004-2016, this plan has now been superseded and so this policy has not been determinative in my considerations.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on highway safety, 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

Highway Safety

7. The appeal site is located towards the edge of a large verge adjacent to a roundabout forming part of junction 13 for the M60. The verge separates the southbound slip-road from this junction and the eastbound carriageway of Worsley Brow. The slip-road only drops down to 30mph when it reaches the roundabout and the carriageway is much lower than that of Worsley Brow. As a result of the change in land levels, the relationship between the roads, the presence of vegetation and a stone wall, intervisibility between the two roads is somewhat restricted.
8. The proposal includes the provision of a mast along with a number of associated cabinets. It has been suggested that these cabinets do not require planning permission or prior approval to be granted and are instead covered by permitted development rights. However, the cabinets have been submitted as part of a prior-approval application and it has not been suitably demonstrated that the cabinets would fall under permitted development that does not require prior approval. Therefore, and mindful of the Council's reference to a recent appeal¹, I have considered the cabinets as part of the appeal proposal before me.
9. The proposal would be located in such a way that the cabinets effectively run parallel with the eastbound carriageway of Worsley Brow and would be sited between this road and the southbound slip-road from junction 13. Given the height and positioning of the cabinets, this would further reduce the level of visibility between the two roads, particularly affecting the views afforded to drivers coming off the slip-road of any eastbound vehicles on Worsley Brow.
10. I note that the slip-road is deemed to be a motorway up until a short distance before the roundabout and that the speed limit only drops at the roundabout. Moreover, whilst vehicles should be slowing down and preparing to potentially give way at the roundabout, some level of speed is likely to be maintained in order to retain an efficient flow of traffic across the junction. I therefore find the roundabout, whilst limited to 30mph, to be a fast junction. Inter-visibility is therefore of significant importance in order to allow motorists time to react accordingly for a safe and efficient flow of traffic. Reducing the level of inter-visibility afforded at the junction would lead to an unacceptable increase in the risk of accidents to occur. In considering this I am mindful of the recorded accidents at the roundabout, including close to where the slip-road joins it.
11. I find the location of the proposed mast and cabinets would not be at unacceptable risk of being struck by vehicles travelling, at speed, from the slip-road.

¹ APP/U4230/W/21/3282661

12. Nevertheless, given the above, and lacking any substantive evidence to the contrary, I find that the siting and orientation of the mast and associated cabinets would erode the intervisibility and therefore safety of the roundabout. I have been mindful of, and the proposal would conflict with, Policy A6 of the SLP and the guidance contained within TEL3 of the SPD. The proposal would also conflict with the telecommunications and highway safety aims of the Framework set out under chapters 9 and 10.

Need for Proposed Siting

13. The appellant has submitted that the area surrounding the appeal site currently suffers from a poor level of signal, and they have identified the nominal search point within this area. It is clear then, that there is some need identified for improved infrastructure. The appellant has also identified a number of alternative locations around the nominal point which were discounted for various reasons revolving around access, space, obstructions and land use.
14. The assessment of these discounted options is brief and the overall information on each option is significantly limited and, the information relating to why options D4, D5, D6 and D8 are not suitable is insufficient. In particular, it is not clear why the land use associated with option D5 is unsuitable or, whether D4, D6 and D8 are indeed inaccessible. I also note the Council's suggestion that there may be other parts of the verge that may be less harmful than the proposal before me. Whilst I find the reasons for discounting options D1, D2, D3 and D7 to be sufficient, there are still at least four potential options.
15. Consequently, I cannot be certain that the appeal site is less harmful than the alternatives or that they are not viable options. Therefore, and without sufficient evidence to demonstrate otherwise, the need for the proposal to be located here does not outweigh the harm identified. I have been mindful of, and the proposal would conflict with SLP Policy A6, the guidance contained within SPD TEL3 and the Framework.

Other Matters

16. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

17. For the reasons given above, the appeal is dismissed.

Samuel Watson

INSPECTOR