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## Appeal Decision

Site visit made on 18 April 2023

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 May 2023**

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**Appeal Ref: APP/J4423/W/22/3309481**

**Bracken Moor, Coal Pit Lane, Stocksbridge, Sheffield S36 1BG**

- 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 (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Sheffield City Council.
  - The application Ref 22/01884/TEL, dated 10 May 2022, was refused by notice dated 5 July 2022.
  - The development proposed is 15.0m phase 9 super slimline monopole and associated ancillary works.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), 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 be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

### Main Issue

4. In light of the above, the main issue is the effect of the development on the character and appearance of the area.

### Reasons

5. The appeal proposal is located on a grass verge, close to the junction of Bracken Moor Lane and Broomfield Lane. As Broomfield Lane continues to the east, there are some residential properties, whilst to the west there are a larger concentration of residential properties, but the immediate locality is made up of sports pitches and agricultural fields.

6. The appellants state that the proposed mast would facilitate Fifth Generation (5G) connectivity. The proposal would be visible above the existing treeline when seen in its context. The scale of the mast is strident, industrial in nature and has the external appearance of a structure more often seen in commercial or industrial areas and would be harmful to the local context. The mast would appear dominant in the locality and be harmful to the character and appearance of the area.
7. The mast would be relatively slender in design, and the top portion of the overall height is made up of antennas. However, I find that the mast and associated cabinets would create an unwelcome addition of street clutter, and harm the character and appearance of the area by adding such an industrial style of development into the wider residential area.
8. Due to the layout of the street scene, and the highway layout, the mast would be visible from some distance when approaching from either main direction, further amplifying its incongruous nature.
9. The harm to the character and appearance of the area must be balanced against the economic and social benefits of the proposal. Paragraph 114 of the National Planning Policy Framework (the Framework) recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Consequently, it advises that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).
10. Paragraph 117 of the Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration. Additions to an existing mast or base station are excluded. As the proposal is a new siting, alternative sitings must be assessed. Information has been supplied as evidence to show that this has been carried out, but I am not convinced that has been carried out to an acceptable level.
11. In this case, the appellant's evidence demonstrates that there is a need for a new mast in the area, in order to cater for the forecast rapid increase in demand for mobile services in the future. In accordance with the advice at paragraph 118 of the Framework, the Council does not question the need for improved coverage
12. On the evidence before me, the development would comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). As such, the Framework advises that health safeguards are not something which a decision-maker should determine. No substantive evidence is before me to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. I also note that the Council did not object to the development for these reasons.
13. The Framework recognises that planning decisions should support the expansion of electronic communications networks and the appellant has provided evidence to justify the proposed development. However, I have found the siting and appearance of the development would result in harm to the character and appearance of the area, which is not outweighed by these other considerations.

14. I appreciate the value of telecommunications within the technology and communications industry. However, a balance should be struck between visual impact and need. I apportion significant weight to the harm I have explained would arise to the character and appearance of the local area by siting the monopole here. It would appear visually incongruous. Therefore, even though they state this may be an optimal site, the harm that would arise to the character and appearance of the area would outweigh the benefits of the proposal.

#### **Planning Balance and Conclusion**

15. I have taken into account the economic and social benefits of the proposal, and the supporting documentation provided that demonstrate the merits of an effective communications network. Nonetheless, I do not find these benefits outweigh the harm that would be generated by the siting of the mast and associated works in such a location.
16. For the reasons set out, I conclude the appeal should be dismissed.

*Paul Cooper*

INSPECTOR