



Appeal Decision

Site visit made on 3 May 2023

by D Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/P4225/W/22/3308177

Land south of Evans Street, Middleton View, Middleton M24 2JX

- 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 Mr E Hansberry of Cornerstone against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 22/00182/TELE, dated 1 February 2022, was refused by notice dated 4 April 2022.
 - The development proposed is "installation of a 20m lattice tower and headframe, supporting 12 No antennas, 4 No 300mm dishes, 2 No GPS modules and 36 No ERS units. Installation of 7 No cabinets at ground level on new concrete base within 2.4m high palisade fence, together with ancillary development".
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Decision

1. The appeal is dismissed.

Procedural Matters

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.
3. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies P1, P2, P3 and DM1 of the Rochdale Core Strategy (2016) are material considerations as they relate to issues of siting and appearance. In particular, they seek to promote high quality design and minimise visual intrusion while conserving heritage assets. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the setting of nearby heritage assets 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

5. The appeal site is an area of elevated grassland, located in the western part of open space south of Oldham Road. The land is bounded by residential development and a further area of undeveloped land. There are pathways crossing the open space and a small coppice of trees lies to the north. The surrounding development is modern, except for Tonge Hall and Dane House, which are located to the south-east.
6. The appellant explains the apparatus is required to upgrade lost radio coverage for the mobile communication network leading to improved connectivity for businesses, industry and other sectors, ensuring continuous coverage and facilitating the delivery of 5G. There is an existing telecommunications mast to the south of the proposed site. The proposed siting is based on the existing coverage from the adjacent mast.
7. I shall deal, firstly, with the heritage assets in the immediate vicinity. Tonge Hall is a grade II* listed building, which dates from the sixteenth century and incorporates eighteenth and nineteenth century alterations. The building is a timber framed T-shaped hall with cross passage, which rises to two-storeys with jetties. Distinctive features include the extensive use of quatrefoil panels, which extended across the front and side elevations. The Hall is described in the listing description as enjoying a commanding position on top of a hill and is an outstanding example of sixteenth century carpentry and planning.
8. The listed building is 'at risk' due to fire damage and dereliction. It is protected by scaffold and temporary sheeting. Despite this, Tonge Hall has an imposing presence and is readily recognised as a timber-framed dwelling of considerable historic importance and status. I consider its significance to be attributed to its age and construction methods, the plan form, architectural detailing and its hilltop siting. The former historic gardens and surroundings are no longer evident. The open space to the north and west, which includes the appeal site, provides views towards the listed building but there is no appreciable historic connection and its contribution to the significance of the designated heritage asset is limited.
9. The development would result in the introduction of further telecommunications equipment into the area, which would be seen alongside Tonge Hall in views looking across the open space to the south-east. However, there would be a separation distance of some 100 metres between the mast and Tonge Hall. Moreover, any historic connection between the site and the medieval complex of Tonge Hall has been lost due to incremental modern development. The mast would result in visual change, but it would not impact on the understanding and appreciation of the heritage asset and how the asset is experienced. Thus, the heritage significance of the listed building would be preserved. Consequently, there is no need to consider the public benefits of the proposal as required by the Framework.
10. Dane House is a locally listed building dating from the nineteenth century. It was built as one of two 'villas' and is a non-designated heritage asset. Its significance is derived from its connections with a local milling family. Dane House is situated within landscaped front gardens, which provide its setting. The appeal site enables views towards the building, but there is limited evidence of any historic connection. I do not consider that the appeal site forms part of the setting to Dane House, and it makes only a minimal contribution to

how the asset is experienced. The mast would be visible alongside Dane House from certain views across the open space. Nonetheless, the change resulting from the proposed development would not impact upon the overall heritage significance of Dane House due to the separation distance.

11. Although I do not consider there would be harm to the significance of heritage assets, it is also necessary to consider the effects on the character and appearance of the wider area. The lattice tower would be a relatively substantial structure with numerous antennae, in addition to the compound and equipment boxes at ground level. It would be clearly visible from within the open space, which I saw is used by local people for recreational purposes, grazing animals and as a walking route to and from school. It would also be visible from nearby residential properties. I appreciate that the structure would be seen in the context of the modern surrounds of the appeal site, including the existing mast. However, the proposed mast would be more visible than that existing due to its siting and appearance. It would affect the outlook from the nearby houses and also impact negatively on views from within the open space and the undeveloped land to the east. The introduction of a lattice tower, relatively close to an existing structure would be visually harmful. The coppice would provide some screening and views of the tower from Oldham Road would be limited. However, the trees and other shrubbery would do little to screen the tower from the open space and residential properties to the south. The development would stand out as a visually intrusive feature which, when combined with the existing tower, would be harmful in my judgement.
12. I am fully aware of the need to support the expansion of electronic communications networks and I appreciate that the siting opportunities are limited due to the need to match the existing coverage and the topographical constraints. I accept that the installation has to be sited somewhere within the target area and the appellant has submitted an analysis of alternative sites, and the reasons why other options are not suitable. The appeal site has significant benefits due to its elevated nature, and because of the existing mast. However, the proposal will not reduce mast proliferation as suggested, as there will be a further mast at the appeal site. Paragraph 117 of the Framework expects evidence to be submitted to justify all applications. For a new mast or base station this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
13. The rationale for not using the existing mast is because it would require an increase in height to at least 25 metres and a more robust structure. The appellant considers that locating a second mast in the same area and at a comparable height would be less intrusive. There are also likely to be issues with obtaining the landowner's agreement, but this only appears to apply to the immediate surrounds of the existing mast not the site as proposed. The lack of suitable alternatives indicates that the proposal is the 'least-worst' option. Nonetheless, the appellant acknowledges there will be localised impacts on the people living nearby. I must also consider the numerous users of the open space. The addition of a further mast to the area will result in a proliferation of structures. I am not persuaded that a single mast, albeit higher and bulkier, would have less of an impact than two relatively large structures in close proximity.

14. I conclude that the proposed lattice tower would cause harm due to its siting in an area of well-used open space, which would be visible from nearby residential development. The existence of another mast and possibilities for mast sharing, which would achieve the same coverage, weighs against the proposal. Having regard to the site-specific circumstances and all other matters raised, I consider the harm resulting from the proposal would be unacceptable. This would not be outweighed by the need for the installation to be sited as proposed taking into account the alternative. I note the appeal decisions referred to by the appellant where the Inspectors reached different conclusions. However, all those appeals differed from the matters before me, and I am satisfied that a different conclusion is justified.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

D Moore

Inspector