



Appeal Decision

Site visits made on 21 March 2023 and 20 April 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/C9499/W/22/3307435

Ribblehead Quarry, Low Sleights Road, Ingleton, North Yorkshire LA6 3JF

- 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 Airwave Solutions Ltd against the decision of Yorkshire Dales National Park Authority.
 - The application Ref C/45/627D, dated 10 March 2022, was refused by notice dated 4 May 2022.
 - The development proposed is 'the removal of the 2 No existing 7.5m Airwave poles and replacement with a 20m tower upon which will be attached antennae and dishes for Airwave and the ESN (EAS) networks. At ground level a new cabin and standby generator will be located on an existing and new concrete base respectively, along with a new VSAT dish link on a 3m support pole located on the new tower base and One No. existing VSAT dish to be relocated on to the existing base following removal of existing 7.5m pole, and One No. existing VSAT to be located on a separate concrete base all within a new security fenced compound'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description appearing in the banner heading above is taken from the planning application form. It includes reference to security fencing. However, aside from small lengths of timber fencing and gates, the submitted plans show the site to be enclosed by drystone walling. For the avoidance of doubt, I have considered the proposal on the basis of the information shown on the plans and have subsequently omitted reference to the security fenced compound in my decision as no detail of it is provided.
3. The site lies adjacent to the Settle-Carlisle Conservation Area and within sight of the Batty Moss Railway Viaduct, a Grade II* Listed structure (aka Ribbleshead Viaduct). Pursuant to the duties under s66(1) and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), I have sought the comments of the main parties in respect of potential effects of the development on those designated heritage assets. As relevant matters that were not referenced in the Authority's Decision Notice, they have subsequently been included as main issues. These are matters I return to below.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the scenic beauty and public enjoyment of the Yorkshire Dales National Park (NP) landscape

- the character and appearance of the Settle-Carlisle Conservation Area (CA)
- the setting of the Batty Moss Railway Viaduct.

Reasons

National Park protected landscape

5. The site is an existing radio base station for an emergency communications network. It is located adjacent to an operational aggregate storage area associated with a nearby quarry. The site sits above the terminal end of a railway siding running off the main Settle-Carlisle railway line close to Ribbleshead Station, which lies a few hundred metres to the northwest.
6. The area is characterised by undulating moorland in a wide upper valley setting. The location is bordered by low slopes leading to upland fells including Ingleborough, Wharfedale, Blea Moor and the rising land of Cam Fell to the east. Built development in the area is limited and largely focussed about the railway corridor. Elsewhere, a limited number of small farmsteads and houses lie isolated and dispersed in the broad landscape setting.
7. The area benefits from a popular network of public rights of way. Batty Moss Railway Viaduct lies some distance to the northwest and, in addition to the peaks, the convergence of the railway line, road and walking routes, acts as a strong draw to the locality. According to the Authority, the location is one of the busiest areas of the NP.
8. The proposal seeks a new lattice tower with attached antennas, estimated to reach an overall height of some 23m by the Authority. The associated base station equipment would be enclosed by stone walling. The apparatus is sought to extend signal coverage in association with the emergency services network (ESN) in a remote area where there are gaps in existing coverage. This would provide Extended Area Services (EAS) in association with the Home Office's Emergency Services Mobile Communications Programme. It would also facilitate public 999 calls using 4G coverage.
9. The mast would replace the current arrangement of slimline antennas mounted atop two 7.5m poles. Due to their limited height and slender design, these are substantially assimilated by nearby trees set along an embankment extending northwest between the main railway line and the siding. They reflect the character of telegraph poles as one of the few forms of vertical structures characteristic of the locality. They have limited visibility in the landscape.
10. There is no dispute between the main parties that the ground-based supporting apparatus associated with the mast would also have a limited effect in the locality. It would be modest in height, be enclosed by an extended drystone wall and benefit from the existing screening with some topographical restrictions to views.
11. In stark contrast, the significantly increased height and dimensions of the proposed mast would be substantially greater than the existing infrastructure. It would extend considerably above the height of the nearby trees to limit their screening value. Although there would be some visual relief when seen against the backdrop of the surrounding fells due to the open framework construction of the tower, that benefit would be limited by the nature, number and height of the larger antennas and dishes. In conjunction with the outstretching arms at

- the top of the tower, those aspects of the proposal would cause it to appear as a prominent and discordant feature.
12. Against sky views, or where it appears to break the backdrop of the fell ridgelines, it would appear obtrusive. In close views the scale and form of the mast would stand out on the ridge above the level of the railway line. As a structure of utilitarian design, it would draw focus against the natural landscape setting and the more traditional appearance of development associated with the railway.
 13. Even in more distant views, from where it would be widely visible from within the surrounding landscape, it would serve to draw the eye. It would extend the visible line of consecutive development focussed around the Ribbleshead Station area. From the north and northwest the mast's effect would be exacerbated by viewing it in conjunction with an existing lattice mast sited alongside the railway.
 14. Although it would not be dissimilar to the existing smaller scale railway mast, it would be set on higher ground and extend to a notably greater height. In comparison, the headset cluster would have a much greater visual impact. Moreover, it would predominantly be seen above the nearby trees causing it to have significantly greater prominence.
 15. In surrounding views against the backdrop of the Ingleborough and Wharfedale fells, the mast would be a pronounced feature that would significantly diminish the quality of views to those fells. From the footpath leading from the base of the viaduct, it would be particularly imposing on important views to the notable western escarpment profile of Pen-y-Ghent.
 16. In contrast to the appellant's own findings, I find that the magnitude of change would be in the range of medium to high. Even when accounting for the moderating effect of the siting close to the railway infrastructure, in a landscape area of the highest sensitivity to change and where the visual sensitivity is high, I find that magnitude of change would cause a major adverse effect on the protected landscape's character and the experience of visitors to this part of the NP. Together, the extent of harm would be significant.
 17. The appellant contends that the effects would be limited over distance and to the local Landscape Character Area. However, as a focus area for visitors, this does not limit the degree of identified harm. Furthermore, whilst the appellant's offer to colour finish the mast is noted, given the various backdrops against which it would be seen, there would be little overall mitigation to the visual effects of the proposal.
 18. I note the appellant's desire to utilise existing serviced sites within restricted areas and considers the site to be self-selecting in the context of the locality. I concur that the site offers a degree of mitigation through the presence of nearby trees (if retained) and is in a position close to the railway corridor where most local development is focussed. However, the significant adverse visual effect of the tower in tandem with the existing lattice tower would not follow the National Planning Policy Framework's (the Framework) encouragement to share masts.

19. Contrary to the appellant's assertion that the co-location of the mast close to the existing railway mast would limit its effect on the landscape, I find the effect would be the opposite. Although I recognise that the use of the existing railway mast was discounted, there is limited evidence to demonstrate that a single mast could not accommodate both systems - whether on the existing or an alternative facility. This would limit the cumulative effect of prominent towers in the landscape.
20. For the reasons above, I find that the mast would cause significant harm to the scenic beauty of the local NP landscape. Furthermore, it would significantly prejudice the public enjoyment of important views within that protected landscape and appreciation of its special qualities. It would thereby conflict with Policies SP2 and SP4 of the Yorkshire Dales National Park Local Plan 2015-2030 [2016] (the NPLP) insofar as they seek development to respond positively to its surroundings and context, conserve or enhance its setting and natural beauty, protect important views and promote enjoyment of the Special Qualities of the NP.

Heritage Assets

21. As the site lies adjacent to the Settle-Carlisle Conservation Area (the CA), Section 72(1) of the LBCA Act requires me to have special regard to the desirability of preserving or enhancing the character and appearance of the CA. Furthermore, Section 66(1) of the Act, requires a decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
22. Paragraph 194 of the Framework advises that applicants should be required to describe the significance of any heritage assets affected by development and the potential impact of the proposal on the significance. As a minimum the relevant historic environment record should have been consulted and appropriate expertise used. Although the appellant has referenced the assets as cultural heritage features within the Assessment of Landscape and Visual Impacts, there is little assessment of their significance or the effects upon it.
23. The CA is a linear designation following the line of the railway. Its significance stems from the formation of the historic route providing improved linkages between settlements and access to the intervening countryside. It includes impressive large-scale earthworks and engineering features, alongside more modest supporting infrastructure and buildings associated with its operation. In the locality of the site, it provides a striking contrast between the dramatically exposed natural landscape and the man-made elements of the route, including the viaduct. It subsequently forms a significant feature and integral part of the landscape.
24. Close to the site, the CA features a partial cutting, the siding junction, the approach to the nearby station platform, signal posts and the smaller lattice tower. As above, the introduction of a second tower in close proximity to the existing rail-side tower would be an imposing feature. Notwithstanding the various scales of historic works and buildings, as with the existing lattice tower, the exposed modern structure would be a detracting feature alongside the railway.

25. Furthermore, its position, scale and design would cause it to be obtrusive in views into and out of the CA. In the predominantly natural setting beyond the CA's boundary, I find that the proposal would cause harm to the character and appearance of the CA.
26. The Batty Moss Viaduct is a large-scale structure that is not only a significant achievement of Victorian engineering, it gives rise to noted important public views on the various approaches on the surrounding roads, fells and the railway itself. It is described as 'iconic' in the context of the NP and provides a significant focal point in the contrast between the natural landscape and the imposition of the railway line through it. The remoteness of the landscape and limited scale of buildings and structures within it, emphasise the viaduct's scale and are an important factor in the experiential and visual aspects of its setting.
27. In the area of footpaths and roads to the east of the railway line, some views of the Batty Moss Viaduct would register the proposed mast due to its height and prominence. Pursuant to my finding that the mast would appear intrusive in the landscape to the extent that it would draw the eye, even accounting for the intervening distance or peripheral position from other distant views, I find the mast would cause a minor adverse effect on the viaduct's setting.
28. Whilst this, and the harm to the CA, would be no greater than less than substantial within the context of Paragraph 202 of the Framework, less than substantial harm does not equate to a less than substantial planning objection. Policy L1 of the NPLP and Paragraph 202 of the Framework identify that where less than substantial harm to the significance of a designated heritage asset occurs, that harm should be weighed against the public benefits of the proposal. I undertake this assessment below. Nonetheless, at this stage it is important to recognise that the proposal would be contrary to the aim of conserving or enhancing the heritage assets of the NP.

Other Considerations

29. Consistent with the Government's aim of providing high quality and reliable communications infrastructure, the mast would deliver improved emergency services communications coverage in parts of the surrounding countryside. It would plug gaps in existing signal availability over several kilometres of the nearby road network and areas about popular footpath routes. It would facilitate calls and data access for the emergency services whilst moving through the coverage area to improve service coordination, for example. This is supported by the local constabulary who, in conjunction with other emergency services, respond to community and visitor needs, and assist in preventing criminal activity.
30. The appellant asserts that there would be capacity to utilise the mast for future general 4G coverage as part of the Shared Rural Network. This could meet an objective of the National Park Management Plan. It could avoid the need for unnecessary mast proliferation within the protected area.
31. However, this functionality is not currently proposed in association with the development. Furthermore, according to the Council, it is not a site proposed in conjunction with the roll-out of accessible 4G coverage across the NP. In the substantial absence of evidence to demonstrate that this is a realistic proposition, the limited user service would not provide the significant economic benefits of a publicly accessible network. Whilst it would doubtless offer some

social well-being advantages of considerable note, the weight to the wider benefits of fully accessible 4G coverage does not apply.

32. In support of the appeal, the appellant refers to a number of successful appeal decisions relating to mast developments, including in conjunction with the ESN in National Park areas elsewhere. Notwithstanding that those examples are more restricted in height and relate to monopole installations, there is little to demonstrate their associated effects in their context, whether or not they relate to such sensitive or popular visitor locations, or, the associated extent of any public benefits. I am therefore unable to draw meaningful comparisons, or otherwise, to the case before me.

Planning Balance

33. Whilst the appellant has provided the justification for the proposed development arising from the desire to improve coverage to the emergency services network in the locality, this must be balanced against the effects of the proposal on the protected landscape, the purposes of the NP and the designated heritage assets present in the locality.
34. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing the scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
35. I recognise that for some visitors, residents and businesses, the reassurance of more effective emergency services support would be a benefit of the proposal. However, in a locality where remoteness is also a key element of the area's qualities, the benefit to some visitors therein is limited.
36. For the emergency services, the proposal would support their activities and efficiencies in those locations without existing telecoms coverage. This is in an area which is readily capable of offering numerous operational challenges in carrying out their various functions. In that regard, the public benefits would also include some support to the second statutory purpose of the NP.
37. I note the appellant's contention that the need for telecommunications will inevitably result in masts being located within the protected area. This is reflected in the provisions in Policy C11 of the NPLP. However, in this instance I do not consider the correct balance between the desire to improve coverage and the resultant harm has been reached. Even in the face of the recognised need, there is little before me to demonstrate that the appellant has sought to mitigate the effects or, as a last resort, agreed any compensatory measures in accordance with Policy SP2 of the NPLP.
38. Taking all of the above together, I find the totality of the harm to the designated landscape and its Special Qualities, and the harm to the designated heritage assets would not be outweighed by the public benefits in the particular circumstances of the case.

Other Matters

39. The site lies close to the Ingleborough SSSI and National Nature Reserve, Ashes Pasture and Meadows SSSI Ingleborough Complex SAC. Where development could potentially have an adverse effect on those protected sites, ordinarily a competent authority such as myself would potentially need to carry out an Appropriate Assessment. However, as I have found against the appellant on the main issues, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

Conclusion

40. The proposal would harm the character and appearance of the area and the special qualities of the Yorkshire Dales National Park. It would fail to preserve the character and appearance of the Settle-Carlisle Conservation Area or the setting of the Batty Moss Viaduct. It would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR