



Appeal Decision

Site visit made on 24 April 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2023

Appeal Ref: APP/M9496/W/22/3311307

Land at the Junction of The Lane and Station Road, Hathersage, Hope Valley S32 1BA

- 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 MBNL, against the decision of Peak District National Park.
 - The application Ref P.5450, dated 8 September 2022, was refused by notice dated 4 November 2022.
 - The development proposed is an upgrade to the existing 8.0m high replica telegraph pole on root foundation. Proposed 17.50m high EE/H3G Phase 7 monopole complete with wraparound cabinet to be installed on root foundation and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposal solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are i) the effect of the siting and appearance of the proposed installation on the character and appearance of the area; and ii) if any harm would be caused, whether this would be outweighed by the need to site the proposal in the location proposed, having regard to the availability of alternative sites.

Reasons

Character and appearance

5. The appeal site is in an open rural location within the National Park. It comprises an area of sloping grass verge at the junction of The Lane and Station Road, which is currently occupied by an 8.0m high replica telegraph pole mast, four equipment cabinets, a telegraph pole, and a speed limit sign. The adjacent field is bound by a low stone wall.
6. It is proposed to replace the existing mast with a new, wider, 17.50m high mast, with a wraparound base cabinet, in a different position on the verge. The four existing cabinets would be retained and a further two cabinets would be introduced. These new cabinets would be sited closer to the road and would be higher than those behind them. According to the submitted Site Specific Supplementary Information, the colour of the new mast would be goose grey, and the cabinets would be light grey.
7. Contrary to what is shown on the submitted drawings, the site is not flat, and the dry-stone wall behind the cabinets is not high and does not have planting immediately behind it. Even without a landscape or visual impact assessment, I was able to see the existing much smaller and better camouflaged telegraph pole type mast from the A6187 Sheffield Road, the B6001 Station Road, and from other unnamed country roads in the local area. This existing pole does not however appear visually obtrusive in the landscape due to its height and design.
8. Due to the topography and openness of the area, the proposed new larger mast would be highly visible in long and short distance views, from the viewpoints I saw, as well as from other public roads, footpaths and rights of way, close to the site and further afield. It would not sit amongst similar structures or be seen against a backdrop of trees or buildings. Being twice the height of the existing mast, wider in diameter and coloured grey, the replacement mast would not be comparable to the existing one and would be significantly more obtrusive in the landscape. Although the cabinets may be permitted development, they form part of the proposal before me. The new cabinets would introduce additional visual clutter, which due to their scale, colour, scattered siting around the grass verge, forward projection and the absence of any appropriate screening, would be detrimental to the special landscape of the National Park.
9. I therefore conclude that the siting and appearance of the proposed upgrade would cause significant harm to the character and appearance of the area, which forms part of the landscape of the National Park.
10. Whilst not determinative, this would be contrary to Policy L1 of the Peak District National Park Local Development Framework Core Strategy (2011) and Policies DMC1, DMC3 and DMU4 of the Development Management Policies Part 2 of the Local Plan for the Peak District National Park (2019). These policies are relevant to the siting and appearance of the proposal and seek to ensure, amongst other things, that development conserves and enhances landscape character, is supported by a landscape assessment and that the least obtrusive or damaging technically practical location, size, design, and colouring of the mast and ancillary equipment, together with appropriate landscaping, can be secured.

11. The proposal would also conflict with paragraphs 115, 174 and 176 of the Framework, which encourage the use of existing masts, buildings or structures. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. As the proposal requires a new mast and equipment, I consider paragraph 115 to be relevant, despite the fact the site already hosts a mast and associated equipment. The Framework also requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks.

Alternative sites

12. The appellant has not provided evidence to demonstrate that any alternative sites have been considered. It is suggested that this is not necessary because the proposal would be located on an existing telecoms site and would replace an existing mast. I am advised that other sites were discounted in the initial search for this site. However, I am unaware how long ago the original search took place. Alternative sites may have become available since, which would be more suitable for the larger mast and additional equipment cabinets that are now required to deliver the enhanced 5G service.
13. I acknowledge that paragraph 115 of the Framework seeks to keep the number of telecommunications sites to a minimum. I also appreciate that much of the infrastructure to support the upgrade will already be in place on the appeal site. However, as the upgrade in this case requires a new mast and additional cabinets, which are not comparable in terms of their appearance and visual effect on the surrounding landscape to that previously approved, it is reasonable to expect alternative sites to be explored. The fact that the site was considered appropriate for an 8.0m high replica telegraph pole mast does not mean that a mast of any siting and appearance would automatically be acceptable, hence the requirement for such matters to be agreed.
14. I therefore conclude that it has not been demonstrated that no more suitable alternative sites are available.

Balance and Conclusion

15. Paragraph 114 of the Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being. The proposal would deliver benefits in terms of improved telecoms and broadband connectivity and services for local businesses, residents and visitors. H3G and EE also have a sharing agreement with the Emergency Services Network, who would also benefit from the upgrade.
16. However, these benefits must be balanced against the visual impacts. For the reasons given above, I have concluded that the siting and appearance of the proposal would result in significant harm to the character and appearance of the area and it has not been demonstrated that no other more suitable sites are available. Overall, I find in this case, the benefits do not outweigh the significant harm I have identified, and the appeal is therefore dismissed.

R Bartlett

INSPECTOR