



Appeal Decision

Site visit made on 20 June 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/P3420/W/23/3316931

BT Exchange, Fairgreen Road, Baldwin's Gate, Stoke on Trent ST5 5BU

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE Ltd against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 22/00689/TDET, dated 4 August 2022, was refused by notice dated 28 September 2022.
 - The development proposed is described as 'installation of 15m telegraph pole style telecommunications mast, antennas, ground-based equipment cabinets and associated 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) 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 account of any representations received. My determination of the 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 to be had to the development plan. I have nevertheless had regard to the policies of the development plan, as well as the National Planning Policy Framework (the Framework), in so far as they are a material consideration relevant to matters of siting and appearance.
4. Reference is made in the Appellant's Appeal Statement to the proposed mast being 20m in height¹. It is clear from the description of development and the submitted plans that the proposal is for a 15m mast. For clarity, I have determined the appeal on this basis.

Main Issue

5. The main issue in relation to this appeal is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether that harm would be outweighed by

¹ Paragraph 1.6.

the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

Character and Appearance

6. Located within the grounds of an existing BT Telephone Exchange building, the appeal site lies adjacent to the West Coast Main Line (WCML) but within an area that is principally residential in character. Above and behind the existing retaining wall to the BT Exchange building are a group of mature trees that contribute positively to the verdant, spacious character of the street scene.
7. Nearby buildings consist primarily of low-scale 2-storey dwellings, although the BT Exchange building is 1.5 storeys high, tucked down below the level of Fair-Green Road. Low-scale streetlights are also present within the vicinity of the appeal site. An existing mast is attached to the BT Exchange building which is somewhat of an anomaly as a tall vertical structure within the street scene.
8. The Appellant has taken steps to mitigate the appearance of the proposed mast following the dismissal of a previous appeal,² through the provision of a more uniform telegraph-pole style mast, reduced to 15m in height. Given the presence of the intervening mature trees, the proposed mast would not be unduly prominent in views from the A53, although it is likely to be more visible when the trees are not in leaf.
9. Nevertheless, these measures do not sufficiently address the views of the proposed development from within Fair-Green Road, a matter I note was also of concern to the previous Inspector. I acknowledge that masts can be found throughout the UK and along transport corridors, with an appearance that arises from their function. However, the position of the proposed mast is not within the immediate visual context of the railway line which is set into a deep cutting, nor a well-trafficked urban road. Rather it is located at the end of a housing estate within a village where low-scale forms of development as described above are characteristic.
10. The Appellant's visualisation³ whilst indicative, suggests that the proposed mast would be taller than the backdrop of trees and the existing BT mast, in views from within Fair-Green Road. Taller and bulkier than the existing streetlights, the proposal would remain out of scale with the recessive street furniture and low-scale buildings. Being of a light grey colouration, it would stand out against the dark colours of the background trees, as well as the existing brown BT mast, appearing highly visible and incongruous within the street scene. Being of a different colour it would draw attention to the proliferation of masts within a concentrated area. The mast has not been sympathetically designed or camouflaged as required by paragraph 115 of the Framework and harmful effects would remain.

Need for the Installation – Suitable Alternatives

11. In considering the need for the proposal Government Policy as set out in the Framework, recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. I have had regard to the range of reports supplied by the Appellant which include but are not limited to, the National Infrastructure Commission

² Planning application 22/00262/TDET, dismissed on appeal APP/P3420/W/22/3304470.

³ Page 17 of the Appellant's Planning Appeal Statement.

'Connected Future;' the Department for Digital, Culture, Media and Sport 'Future Telecoms Infrastructure Review;' the OFCOM 'Mobile Networks and Spectrum; Meeting Future Demand for Mobile Data,' discussion paper (2022), and the OFCOM 'Connected Nations 2022' report. I recognise the need to support the expansion of electronic communications networks, including next generation mobile technology for existing users in the area, the emergency services, as well as improving the on-board wi-fi capabilities for train operators and travellers using the nearby important transport corridor of the WCML. I attribute moderate weight to these benefits accordingly.

12. Policy T19 of the Newcastle-under-Lyme Local Plan 2011 (2003) (LP) requires evidence that there are no more suitable sites available which would meet the operational requirements for the equipment. In this regard it is consistent with paragraph 117 of the Framework, which indicates that applications for telecommunications development (including those submitted for prior approval), should be supported by the necessary evidence to justify the proposed development. This includes that they have explored the possibility of erecting antennas on an existing building, mast or other structure.
13. No substantive evidence is before me to demonstrate that the existing BT Exchange site would be the most appropriate location to site new telecommunications infrastructure. The proposal is to enhance wi-fi connectivity to trains, hence the need for the mast to be near to the WCML railway. Network Rail land is currently unavailable, but despite the Appellant advising that alternative sites have been considered,⁴ no evidence has been presented to this effect.
14. By the Appellant's own admission there are other locations where the proposed development could be sited, but it is suggested that they offer no appreciable benefit over the appeal site⁵. Whilst I acknowledge the invitation to look around the area, the onus is on the Appellant to demonstrate that alternative sites and structures have been explored, a matter raised in the previous Inspector's decision⁶. Consequently, on the evidence before me, I cannot determine that less harmful alternative sites are not suitable or available within the locality.
15. In addition, an OFCOM coverage map is provided⁷ with the aim of showing gaps in coverage within the vicinity of the proposed mast. Regrettably, the coverage map relates to a site within a different town. Whilst not questioning the overall need, in light of this significant discrepancy, notwithstanding the desire to improve wi-fi connectivity for train services, I cannot be certain that the mast is required in the location proposed to meet an identified coverage gap, sufficient to deliver the suggested benefits of enhanced digital communication.
16. The proposed mast would represent an intrusive addition to the street scene resulting in considerable harm to the character and appearance of the area, which is not outweighed by the need for the installation to be sited as proposed, and its social and economic benefits. In so far as they are material considerations, the proposal would be contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006–2026 (2009), Policy T19 of the LP and Policy DC2 of the Chapel and Hill Chorlton,

⁴ Paragraph 3.7 of the Appellant's Planning Supporting Statement EE77111.

⁵ Paragraph 5.7 of the Appellant's Planning Supporting Statement EE77111.

⁶ APP/P3420/W/22/3304470.

⁷ The Appellant's Appeal Statement, paragraph 1.3.

Maer and Aston, and Whitmore Neighbourhood Development Plan (2019) which amongst other things seek to ensure that new development including the siting of telecommunications equipment is well-designed and does not adversely affect the street scene. It would also conflict with the Framework which seeks to facilitate the growth of new and existing telecommunications systems, whilst keeping environmental impact to a minimum.

Other Matters

17. The lack of environmental designations and location of the proposal outside of any conservation area, does not justify the harmful impact on the character and appearance of the area arising from the proposed installation as described above. Compliance with the ICNIRP certification process is a neutral matter that weighs neither for, nor against the proposal.
18. Reference is made to the principle of development being established by the GPDO. Be that as it may, the permitted development rights are subject to a prior approval process and as such, they do not crystallise until that procedure has been completed and granted, including an assessment of the siting and appearance of a proposal. Whether or not tall masts up to 30m can be installed without permission, that is not the proposal before me. There is no evidence presented to indicate that the reduced height of a mast should be offset against the impact of its proposed siting and design.

Planning Balance and Conclusion

19. For the foregoing reasons, the harm arising from the siting and design of the proposed installation on the character and appearance of the area, would not be outweighed by the need for the installation. The Appellant in failing to provide substantive evidence of the alternative sites that are available, has not justified the need for the installation to be sited as proposed and that the benefits of the scheme could not be achieved in a less harmful location. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR