



Appeal Decision

Site visit made on 11 July 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/R0660/W/23/3314964

Dorchester Way, Tytherington, Mulberry, Macclesfield SK10 2GT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 EE Ltd against the decision of Cheshire East Council.
 - The application Ref 22/4259M, dated 28 October 2022, was refused by notice dated 20 December 2022.
 - The development proposed is the installation of 1No. 15m 'Alpha' street pole, 1No. Trisector antenna, 2No. 0.6m dishes and 3No. ground-based equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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 into account any representations received. My determination of this appeal has been made on the same basis.
3. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, the National Planning Policy is a material consideration and includes sections on supporting a high quality communications and achieving well-designed places, Chapters 10 and 12 respectively.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed, taking in to account any suitable alternatives.

Reasons

Character and Appearance

6. The appeal site is located on a verge on the inside of a gentle curve along Dorchester Way. The surrounding area is predominantly formed of two-storey residential dwellings, although adjacent to the site is a large playing field. There are also a number of trees within the street scene which, along with the verge and playing field, present a soft and verdant character.
7. The proposal would introduce a feature that is significantly taller than the surrounding street scene, including the lampposts and trees, and would be prominent as a result of its siting near the highway and playing field. Moreover, the mast, given its utilitarian appearance and significant height, would not be sympathetic to, or sit well with, the surrounding residential development or vegetation. Therefore, it would be a prominent feature that would be intrusive in views from the wide area.
8. The appellant has suggested that the mast would be read in relation to the railway line to the west of the site and its associated masts. However, the railway is a significant distance away from the site and is separated from it by a residential estate. During my site visit it was clear that the railway and the appeal site are not read together, and no masts associated with the railway are visible.
9. Given the above, the siting and appearance of the proposed mast would result in an unacceptable harm to the character and appearance of the surrounding area. I have been mindful of, and the proposal would conflict with, Chapters 10 and 12 of the Framework.

Need for Proposed Siting

10. The appellant has submitted that the area surrounding the railway to the west of the appeal site currently suffers from poor connectivity to the 4G network which especially affects train passengers. The mast would provide 4G connectivity, with the potential to upgrade to 5G, and would also form part of the Emergency Services Network (ESN). Therefore, it is clear from the submissions that there is a need identified for improved telecommunications infrastructure.
11. The appellant has identified the preferred point and search area for a mast, they have also provided two alternative locations within this area which have been discounted. I note that the appeal site is outside of this search area.
12. Although the Council have referred to other discounted options, it is clear that the appellant is relying upon only two, identified as D1 and D2 within the submitted Statement of Case and the Design and Access Statement. Whilst I find the reasoning behind discounting options D1 and D2 to be sufficient, I am not convinced that there are only three reasonable options within the entire search area. I am mindful that it would not be practical to consider every piece of the search area. However, considering three locations does not suitably demonstrate that all reasonable options have been considered.
13. Consequently, I cannot be certain that the appeal site is less harmful than the alternatives or that there are no viable options. Therefore, and without sufficient evidence to demonstrate otherwise, the need for the proposal to be

located at the appeal site does not outweigh the harm identified. I have been mindful of, and the proposal would conflict with, Chapter 10 of the Framework, including Paragraph 117 regarding the provision of suitable evidence to justify the development.

Other Matters

14. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.
15. The appellant has provided extracts from two appeals¹. However, as they have provided only short extracts, I cannot be certain of the context or circumstances of either appeal. Therefore, these appeals have not been determinative in my consideration of the appeal.

Conclusion

16. For the reasons given above, the appeal is dismissed.

Samuel Watson

INSPECTOR

¹ references: APP/L1765/W/18/3197522 and APP/Q3305/W/18/3206555