



Appeal Decision

Site visit made on 18 July 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/Z4718/W/23/3316440

Grass Verge off Parkwood Road, Kirklees, West Yorkshire HD7 4QW

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Kirklees Council.
 - The application Ref 2022/93610, dated 31 October 2022, was refused by notice dated 22 December 2022.
 - The development proposed is 17m high steel monopole and equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's decision notice as this more accurately describes the development and I note the appellant has used this description in part of the application form. Therefore, I am satisfied no party would be prejudiced by my use of it.
3. 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.

Planning Policy

4. The Council has referred to a development plan policy in its decision notice. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. Therefore, I have had regard to the policy of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

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 area 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

Character and Appearance

6. The appeal site comprises a semi-circular area of grass and hardstanding along Parkwood Road, opposite its junction with Thorpe Green Drive. It is located on the edge of a predominantly residential area. Undulating open countryside Green Belt land lies immediately to the west behind a low stone wall.
7. I saw at my site visit that, in the immediate vicinity of the appeal site, Parkwood Road provides a clear delineation between residential development and the Walkers Arms public house to the east and open countryside with long range views to the west. The site, although not large, appears visibly part of the open countryside on the western side of Parkwood Road and provides a positive contribution to the transition between the urban and rural location. It also provides a verdant outlook when exiting Thorpe Green Drive and to occupiers of 53 and 55 Thorpe Green Drive, which have front windows that directly overlook the space.
8. The proposed monopole would be in a visually prominent location, open to widespread view due to its location on the bend along Parkwood Road and its sloping topography. Furthermore, I observed that there are a number of public rights of way (PROW) in the area from which the monopole would be clearly visible, including the PROW towards Nettleton Hill. I recognise the proposed streetpole design would be of slimmer profile than other mast designs, nonetheless, the overall height and cumbersome bulk of the antennas at the top of the mast would be a stark and discordant feature at odds with the wider verdant and semi-rural character of the area.
9. While there is a streetlight on the grassed area at the back edge of the road and a wooden telegraph pole opposite, there are few other vertical structures or street paraphernalia in the surrounding area. Although there is a line of trees along the edge of the stone wall which will provide some screening to the proposed development, this would be reduced during the winter months when not in full leaf. In any event, the monopole would be significantly taller than these trees.
10. The cabinets are typical of the form of structures seen on roadsides, and while numerous, would not appear as unduly incongruous features or create undue visual clutter due to the juxtaposition against the backdrop of the stone wall and trees. I also note that the proposed height of the monopole is the minimum required to achieve the required coverage. Nonetheless, irrespective of the colour of the monopole, it would appear as an isolated and obtrusive feature against this relatively open location, which would be highly visible when viewed from Parkwood Road, the surrounding countryside, and occupiers of the nearby dwellings.
11. Although the site is not affected by any heritage or other designation, the area still has qualities that are worthy of protection from unsuitable siting and appearance of the proposal.
12. For the above reasons, as a result of its siting and utilitarian appearance, I conclude that the proposal would fail to integrate into its surroundings and would detract from the positive qualities of this part of Parkwood Road and the

surrounding area, to the significant detriment of the character and appearance of the area.

13. Insofar as it is a material consideration, the proposal would be contrary to Policy LP24(a) of the Kirklees Local Plan Strategy and Policies 2019 which aims, amongst other things, to promote good design by ensuring that development respects and enhances the character of the townscape, heritage assets and landscape. It would also be contrary to the overarching principles of the Framework for development to achieve well-designed places.

Alternative Locations

14. There is a clear need for, and importance of, the rollout of the 5G network. The proposal would provide new and enhanced 5G coverage and network capacity within the area and the equipment must be located somewhere. However, as I have found that the proposed siting would cause harm to the character and appearance of the area, it is necessary to consider whether other, less harmful, options may be available.
15. Paragraph 117 of the Framework advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. 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. In this case, the appellant has confirmed that there are no tall buildings or structures in the area which could accommodate the equipment and that a new mast is required. I have no reason to doubt this conclusion.
16. As well as the appeal site, the sequential approach undertaken by the appellant identified several alternative sites to accommodate a new installation. However, no map of these sites or the cell search area has been provided. The level of information for each ground-based site discounted is extremely limited with a vague justification for discounting each site, including narrow footways, lack of space, proximity to cables, Listed Buildings and residential properties.
17. I acknowledge that, as with all 5G cells, the relevant search area would be constrained and that in this case, the designated search area would cover a largely residential area. Nonetheless, at my site visit, I saw potential for alternative locations in the vicinity of the Leymoor Road Co-Operative foodstore and the bowling green on Intake Lane where such equipment would not be so uncharacteristic given the urban nature of the area. Moreover, I note that the Council, in their pre-application response suggested an alternative site in the car park of the Walkers Arms public house, and the appellant has provided no reason why this could not be used.
18. When noting the visual sensitivities that would apply to a monopole erected at the proposed site, it is reasonable to require clear and comprehensive supporting evidence. I am not convinced that the search and assessment of alternative sites was sufficiently thorough and robust in order to demonstrate that there are no realistic alternatives or sites which are less harmful than the appeal site. As a result, the harm I have identified to the character and appearance of the area would not be outweighed by the case put forward for installing the development on the appeal site.

19. I am therefore unpersuaded from the available evidence that the location chosen is necessarily the least harmful in terms of its visual effects. Furthermore, I cannot be certain that the harm would be equivalent or worse on a site elsewhere. Consequently, on the basis of information before me and from my site visit, the evidence does not convincingly demonstrate that a thorough review of possible options within the cell search area has been carried out or that the appellant has adequately explored whether there may be less harmful alternative sites.

Other Matters

20. Reference has been made by the appellant to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance as they would form part of the principle of the development being established by the GDPO.
21. My attention has been drawn by the appellant to an appeal costs decision¹. I do not have the full details of this case, although I note that the Inspector referred to 'no explicit reference' in relation to 'the need for additional telecommunications equipment in the area or the implications of a lack of alternative sites', rather than public benefits, which are a different matter for the reasons set out above.
22. A further appeal decision has been presented that relates to a proposed 25m high lattice mast in Romford² which was allowed. This case differs from the appeal before me as that Inspector found no harm to the character and appearance of the area. The need for the development was not disputed, as I have also recognised in the appeal before me. For these reasons, the above appeal decision and costs decision do not set a precedent and in any event, I have determined the appeal on its individual merits.
23. While the Council's officer report did not explicitly refer to a balancing exercise, the report states that 'significant weight has been given to telecommunications development by the National Planning Policy Framework'. I appreciate that the appellant sought pre-application advice from the Council before submitting the application. From the information provided, the Council did not support the proposed siting. In any event, I have only had regard to the planning merits of the proposal that is before me.

Planning Balance and Conclusion

24. I recognise that the Framework sets out that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being, as well as that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). The proposed development would address an identified need for additional communications apparatus in the area.
25. However, I have found that the proposal would result in harm to the character and appearance of the area due to its height and prominence resulting in an incongruous feature in the surrounding area. I afford significant weight to this harm. The proposal would also fail to accord with the policies of the

¹ APP/G5180/W/16/3151769

² APP/B5480/W/20/3251086

development plan insofar as they relate to the character of the townscape. It has not been satisfactorily demonstrated that there are no other, less harmful options available.

26. Overall, I conclude that the harm arising from the siting and appearance of the appeal development is such that it would outweigh the need for it to be sited as proposed.

27. For the reasons given above, the appeal should be dismissed.

A Veevers

INSPECTOR