

Appeal Decision

Site visit made on 15 August 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal Ref: APP/E2340/W/23/3318393

Highways Land, Spring Lane, Colne, BB8 9AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval 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 CK Hutchison Networks (UK) Ltd against the decision of Pendle Borough Council.
 - The application Ref 23/10018/PNT, dated 5 January 2023, was refused by notice dated 3 February 2023. The development proposed is installation of 18m pole inc. antennas, ground based apparatus and ancillary development.
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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 (GDPO 2015), 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. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policy 38 of the Local Plan¹ is a material consideration as it relates to issues of siting and appearance. In particular, it seeks to minimise the impact on the built environment and residential amenity, amongst other things. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and this includes a section on supporting high quality communications. I find policies ENV1 and ENV2 of the Core Strategy² less relevant as they relate to protecting the natural and historic environment and achieving quality in design and conservation.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm

¹ Borough of Pendle – Replacement Pendle Local Plan 2001-2016 Written Statement, Adopted May 2006.

² Borough of Pendle – Local Plan for Pendle Core Strategy 2011-2030. Adopted 17 December 2017.

would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

5. The topography of the area is undulating with rows of terraced houses running upwards from the appeal site to the south and a large roundabout junction on decreasing land levels to the north (A6068). There are a variety of commercial properties close to the roundabout giving the area a mixed character.
6. The proposed 18 metre high telecommunications pole and its associated equipment cabins would be located on Spring Lane adjacent to a triangular area of land that is part landscaped with shrubbery, a tree and grass and includes short footpaths and a bench. On Spring Lane there is currently a free standing post-box which the equipment cabins would sit alongside. This area is separate from the large roundabout and commercial uses and relates more to the residential properties with its post-box and bench providing a relatively peaceful transition between the traffic on the roundabout and the streets leading away from it.
7. At street level, the equipment cabins would introduce clutter that is absent from the small triangular amenity area. This would detract from the attractive setting that this small amenity area provides within an area that is otherwise characterised by its buildings, busy roundabout and main A class road. Whilst there are streetlamps and telegraph poles in the area, which, together with the nearby tree, are about 9 metres high, the proposed telecommunications pole and its antenna would be significantly taller. Accordingly, the much higher pole would be an obvious vertical intrusion. Along with the clutter created at street level, the development would be discordant with its surroundings.
8. I appreciate that there are technical restrictions regarding the available options for the design of the proposed pole but this does not justify the harm that would occur in this prominent location.
9. Notwithstanding that the appeal site does not lie within any nationally environmental or heritage assets or that the proposal would affect any other local designations or features, the 18m high pole, its antenna and the cabins would be especially intrusive in this setting. The siting of the proposed installation would be unacceptable and the resulting appearance of a prominent pole and its equipment would detract from the character and appearance of the area.
10. The appellant has listed and identified on a plan other site that have been considered but determined to be less suitable. However, from the evidence submitted, the reasons given are general and do not explain their unsuitability in any detail. Consequently, the evidence does not convince me that that a less harmful location is not available for a telecommunications mast that would meet the appellant's requirements.

Other Matters

11. Reference has been made to the public benefits and the technical and operational requirements for facilitating the delivery of 5G coverage but the

various social and economic benefits have not been taken into account in considering the matters of siting and appearance.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR