



Appeal Decision

Site visit made on 3 October 2023

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31ST October 2023

Appeal Ref: APP/R0660/W/23/3321058

Wood End Farm, off Lidgetts Lane, Rainow, Macclesfield SK10 5TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by MBNL (EE UK Ltd & Hutchison UK Ltd) against the decision of Cheshire East Council.
 - The application Ref 23/0409M, dated 27 January 2023, was refused by notice dated 18 April 2023.
 - The development proposed is a 25m High Valmont climbable monopole for 6 No. Antenna Apertures, Dishes and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have utilised the description of development from the decision notice as this more succinctly describes the proposal.
3. The appeal site is situated in the Green Belt. The principle of development is however established by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) which requires the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on this basis.
4. The provisions of the GPDO do not require regard to be had to the development plan. I have, though, had regard to the policies of the Cheshire East Local Plan Strategy 2010-2030 (Local Plan), the Council's Site Allocations and Development Policies Document (SAD Policies Document), as well as the National Planning Policy Framework (Framework) insofar as they are material considerations relevant to matters of siting and appearance.

Main Issues

5. I consider the main issues are the effect of the siting and appearance of the proposed installation on (i) the character and appearance of the area; and (ii) 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 forms part of a field, close to Lidgetts Lane. It is situated in a rural area, where land levels fall away to the west. The site lies within the Peak Fringe Local Landscape designation and the 'upland foot slopes' landscape character area where views over the Cheshire plains, including of fields that contains trees and other planting, contribute to the open, verdant character of the area.
7. The proposed mast, whilst having a relatively limited footprint, would at 25m high be a visually intrusive feature in the landscape. The appellant has made reference to the backdrop of nearby mature trees and bushes. These are however mainly on the opposite side of Lidgetts Lane to the appeal site and there would be limited screening of the proposal from nearby roadside locations along Lidgetts Lane given the low height of the boundary wall, as well as from public footpaths in the area.
8. The proposal would also be subject to far-reaching views from the west, where the utilitarian appearance of the monopole and bulky head with antennae and dishes would detract from the rural setting. Although it is away from nearby settlements, this form of development is not usually seen in the rural area and the proposed mast, along with the 2.4m high mesh panel fencing that would surround it and other associated infrastructure, would be harmful to the area's open character. The appellant has referenced a nearby existing industrial area, but there is limited visibility of this from the appeal site. I am not persuaded that selecting the colour would overcome the visual impacts arising from the height, siting and design of the proposal.
9. I note that there is a required minimum mast height which is to replace an existing installation and that the locational requirements are also constrained. The proposal would also be formed of durable, robust and low maintenance materials. However, this would not justify the harm I have identified arising from the appeal scheme in respect of its excessive height, design and its intended positioning.
10. I conclude that the siting and appearance of the proposed installation would result in significant harm to the character and appearance of the area. The proposal would conflict with, insofar as they are material considerations, paragraph 115 of the Framework and Policies SE 1, SE 4, SD 2 and CO 3 of the Local Plan and Policies INF 8, GEN 1 and ENV 3 of the SAD Policies Document, which seek, amongst other matters, for telecommunications masts to be appropriately located and for development to conserve landscape character and quality.

Need

11. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast would provide 5G coverage, which would serve the Rainow area. It is required to avoid a gap in coverage following a notice to quit that has been served on the appellant. A number of benefits have been set out by

the appellant including to the agricultural sector, supporting home working, and enhancing network speeds. Reference has also been made to a number of documents that set out the importance of high-speed digital communications infrastructure.

12. The appellant's alternative site assessment sets out a number of other sites that were considered and discounted. This includes the Marksend Quarry site which was discounted as the landlords plans for that site remain unclear. Although the LPA has not put forward alternative sites, one of the consultees has suggested the proposal could be sited in a wooded area. It is not clear from the information before me whether the entirety of the nearby wooded area has been considered. Given that there may well be other locations that could potentially accommodate the proposal, I find the analysis by the appellant to be not sufficiently comprehensive to eliminate all other reasonable options.
13. I appreciate the need for this installation following the Notice to Quit. It would bring a much-improved level of service in terms of access and speed and this weighs in favour of the appeal. I have also no reason to question the need for a new site for this proposal and the adherence by the appellant to the sequential approach in considering mast / site sharing and existing buildings or structures. It would also facilitate mast sharing. The proposal would, however, for the reasons set out above, be harmful to the character and appearance of the area. On the evidence before me, I am not convinced that less harmful alternatives have been properly explored and it is my overall view that the need for the proposal does not in this case, outweigh the harm.

Other Matters

14. The proposal would not give rise to any adverse highway implications, including on pedestrians or cyclists. There would be no unacceptable effects on the historical and ecological qualities of the area or on air traffic safety. These are however neutral matters and not ones which weigh in favour of the proposal.
15. I note the appellant sought pre-application discussions with the Council who did not provide any formal feedback. This appeal follows the Council's decision, and I can confirm that I have assessed the development accordingly, on both its merits and impacts.

Conclusion

16. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR