



Appeal Decision

Site visit made on 26 September 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2023

Appeal Ref: APP/Z4718/W/23/3319623

Land at Wood Lane, Newsome, Huddersfield HD4 6PH

- 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 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 Kirklees Metropolitan Council.
 - The application Ref 2023/90052, dated 6 January 2023, was refused by notice dated 24 February 2023.
 - The development proposed is 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above is taken from the Council's decision notice as it more accurately reflects the location of the appeal site.
3. 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 into account any representations received. My determination of this appeal has been made on the same basis.
4. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I therefore have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to the matters of siting and appearance.
5. The appeal site is within the setting of a number of listed buildings. The impact on the setting of the listed buildings will therefore need to be taken into account, applying the tests set out in paragraphs 197-202 of the Framework.

Main Issues

6. The main issues are:
 - the effect of the siting and appearance on the character and appearance of the area including the setting of listed buildings; 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

7. The appeal site forms part of a pavement located in front of an open space area at the junction of Wood Lane, Longley Lane and Fanny Moor Lane. Within the open space currently is a bus shelter, bin, telegraph pole, streetlights and a number of trees. Given the corner location, the appeal site is in a prominent position in the streetscene. The general scale of built form in the surrounding area is two storey and residential in character.
8. Whilst the appeal site is not located within a conservation area, to the rear of the appeal site, situated behind the open space, are 197-201 Longley and 191 Longley, both Grade II listed buildings. Directly to the north are the Grade II listed 175-179 Longley and 161 and 165 Longley and the Grade II* listed Longley Old Hall. Public views of Longley Old Hall and 191 Longley are limited due to the presence of tall trees that sit behind the boundary walls and fencing. 197-201, 175-177 and 161 and 165 Longley are all visible from the road at least in part.
9. The significance of these Grade II listed buildings lies in the 18th and 19th Century construction, the traditional design, the use of hammer-dressed stone, pitched slate roofs and the presence of mullioned window details. With regard to the Grade II* Longley Old Hall, the significance lies in its 17th Century origins, albeit altered through restoration in 1885. It is also of traditional design, using hammer-dressed stone, slate roofs and mullioned windows but also has historical links to the lords of the manors of Huddersfield and Almondbury. The open space and wide pavement where the appeal site is located do contribute to the setting of the designated heritage assets, providing a more open and verdant character.
10. The appellant has identified that the 15m height is required for technical reasons and that the search area is constrained to a small area around Wood Lane. They also state that the proposed equipment is designed to be installed alongside public roads and that they are often found in urban locations.
11. The monopole would be of greater bulk than the existing adjacent streetlights and telegraph pole. Whilst the existing trees would provide a backdrop to the lower parts of the equipment in views from the surrounding roads, the mast would project above the trees and significantly above the other vertical elements in the area such as the streetlights and telegraph pole. It would appear dominant, out of keeping and of disparate scale in the proposed location. The proposal would be clearly visible in the view when approaching along Longley Lane and Fanny Moor Lane and when emerging at the junction from Wood Lane and from the dwellings opposite on Longley Lane and Fanny Moor Lane.
12. Due to the proposed height, there would be clear views of the monopole projecting above the trees from within the grounds of the neighbouring listed buildings. The modern design of the proposal would be at odds with the verdant setting and the scale and character of the built form around it. The

proposal would therefore be dominant and appear visually disruptive within the setting of the listed buildings and would therefore harm the significance of them. The appellant asserts that the colour finish of the monopole could be controlled in order to minimise the impact it would have. However, given the sensitivity of the site in relation to designated heritage assets and the height of the proposal, this would not resolve the visual impact issue.

13. The harm I have identified would be less than substantial harm. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework also states that where a proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposed scheme. I return to this matter later.
14. I find that the siting and appearance of the proposal would harm the character and appearance of the area including the setting of the adjacent listed buildings. Policies LP24(a) and LP35 of the Kirklees Local Plan Strategy and Policies Adopted 27 February 2019 are material considerations as they relate to issues of siting and appearance, and I find that the proposal would be contrary to them.
15. These policies seek, amongst other things, to promote good design by ensuring developments respect and enhance the character of the townscape, heritage assets and landscape and that they preserve or enhance the significance of heritage assets. The proposal would also be contrary to sections 12 and 16 of the Framework in this regard which seek to achieve well designed places and conserve and enhance the historic environment.

Alternative sites

16. 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 including the setting of listed buildings it is necessary to consider whether other, less harmful, options may be available.
17. 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.
18. I have no evidence before me to dispute that mast sharing and the use of buildings are not viable alternatives within this area. Six other sites (D1-D6) for the positioning of a new mast were discounted by the appellant for a combination of reasons including residential amenity, whether a site is adopted, the presence of existing overhead constraints, ground conditions and pedestrian and highway safety.
19. All of the alternative sites identified are in close proximity to residential areas. Alternative sites D1 and D2 are in very close proximity to the appeal site and would therefore have similar constraints to the proposed location. The Council has identified that it owns the land referred to as D3, however there is no

indication that they have been approached by the appellant as to the availability of the site. I witnessed a number of overhead lines in close proximity to site D4 and recognise that these would potentially be a constraint. The pavement on the corner of New Laithe Road and Fanny Moor Lane where site D5 is identified is relatively narrow. There is an existing monopole located in the area around site D6.

20. Whilst I therefore recognise that there may be limitations in respect of some of the alternative sites, the reasons given for discounting them are brief and unsupported by any further evidence to suggest why they would be more harmful than the appeal scheme, or are not viable. Overall, based on the evidence before me, I am not satisfied that a thorough review of possible options within or adjacent to the search area has been conducted.

Other Matters

21. The appellant has provided information about the Government support for digital connectivity. They have identified that the proposal would support economic and social objectives, and deliver benefits in these regards.
22. I accept that the proposal would not impede on the pedestrian use of the footway given its generous width. Whilst there would be clear views from residential properties towards the appeal site, particularly from dwellings that are located on the opposite side of the road on Longley Lane and Fanny Moor Lane, given the separation distances, the position of the proposed equipment would not be significantly harmful to residential amenity.

Planning Balance

23. Paragraph 202 of the Framework sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
24. Paragraph 114 of the Framework explains that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The proposed equipment would enhance the provision of mobile telecommunication services in the local area and would therefore deliver a public benefit in this regard. I give considerable weight to these matters in support of the proposal.
25. However, the appeal site is within the setting of a number of listed buildings. Such locations are sensitive to the provision of telecommunication equipment. For the reasons set out above, in my view, the consideration of alternative sites does not demonstrate that the appeal site is the only viable option. The monopole would cause harm to the character and appearance of the area and specifically to the setting of adjacent listed buildings. I give great weight to this consideration.
26. Accordingly, I do not consider the harm that would be caused to the character and appearance of the area including the setting of listed buildings would be outweighed by the support in the Framework for high quality communications.

Conclusion

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

G Dring

INSPECTOR