



Appeal Decision

Site visit made on 14 November 2023

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal Ref: APP/G4240/W/23/3318056

Huddersfield Road, Tameside SK15 3JW

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/01036/NCD, dated 17 October 2022, was refused by notice dated 2 December 2022.
 - The development proposed is described as 'Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the GPDO 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. The Council has referred to a number of development plan policies in its decision notice. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. As such I have had regard to the policies 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 Issue

4. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area.

Reasons

5. The appeal site forms part of a grass verge that runs along the eastern side of the Huddersfield Road highway. Whilst the locality is predominantly residential in character, the appeal site is situated adjacent to and in front of a large expanse of open grass land. Although there are streetlights and telegraph poles nearby, the lack of built form on this stretch of Huddersfield Road results in the appeal site sitting in a relatively open and exposed position.

6. The proposed plans show that the monopole, which would be approximately 16 metres high, and equipment cabinets would be positioned on the grass verge. The appellant has emphasised that the siting and height of the proposed mast arises from technical and operational requirements, and I have no substantive reason to question this.
7. Nonetheless, the proposed mast would be appreciably taller, bulkier and more prominent than the nearby street lighting columns and telegraph poles. It also would introduce an element of perceived visual clutter at low level through the siting and amount of ancillary equipment cabinets.
8. As Huddersfield Road is a relatively long, and straight road, the proposal would be readily visible from long distances in the approach from either direction. The trees shown on the plans would also not be sufficiently close to the monopole or be of a maturity and stature to provide any obvious screening benefit. The open and exposed nature of this location would therefore have a consequential effect of emphasising the dominance of the proposed development. Irrespective of its grey colour, the proposal would thereby result in the introduction of a dominant and visually obtrusive feature in the street scene.
9. In light of the above, I find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area. In so far as it is a material consideration, the proposal would also be contrary to Policies U2 and C1 of the Tameside Unitary Development Plan 2004. These seek to ensure that, amongst other matters, the siting and external appearance of the apparatus has been designed to minimise its visual impact, and to conserve and enhance the built environment.

Other Considerations

10. The Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It therefore supports the expansion of electronic communications networks, including 5G. I also note that in this case, there is no dispute that the equipment is needed to provide a 5G network and to improve coverage to this area. Nor is there any contention of the benefits to mobile connectivity and the network (access and speed) to a multitude of users, devices, services and sectors, which is reinforced by OFCOM and a number of other documents put forward by the appellant¹.
11. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.
12. Furthermore, paragraph 117 of the Framework advises that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should also include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.

¹ Communication from DDCMS & MHLG 2020, Mobile UK Briefing Note: 5G and Health, and DDCMS & MHLG joint statement 'Collaborating for digital connectivity' 2019.

13. The Council has not disputed that when adopting the sequential approach there are no suitable existing telecommunication installations for the operator to share, or buildings that the operator could utilise for their equipment. It is also noted that, as with all 5G cells, the relevant cell search area is constrained, and that in this instance it is intended to cover a densely populated area.
14. The appellant has submitted a list of 6 alternative sites that have been investigated and discounted. However, many of the reasons given for dismissing the alternative sites are vague, referring to 'unsuitable pavements and visibility splay issues', such that they cannot be fully scrutinised. I note from the Council's officer report that a meeting with the appellant was arranged to find alternative sites for the proposal, however this did not take place. The Council's delegated officer report also suggests an alternative site for the proposal along the other side of Huddersfield Road which has not been explored. No robust justification has been provided by the appellant to demonstrate why this suggested alternative site would not be suitable.
15. Given the limited nature of the information before me, I am unable to be certain that there are less harmful alternatives. As a result, I afford the lack of identified alternative sites limited weight in favour of the scheme.

Other Matters

16. It has been put forward that the siting of the proposal would prevent any obstruction to the flow of pedestrians in the surrounding area, and that it would not result in a loss to local residents' outlook or have a detrimental effect on residential amenity. I have also been made aware that it is not located in a conservation area. However, these matters did not appear to be contentious in the appeal and the absence of harm in these respects does not weigh in favour of the proposal.
17. Reference has also 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. I have also been made aware that a pre-application enquiry was submitted for this scheme and that no responses were received from the Council or Ward Councillors. However, this has had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.

Planning Balance and Conclusion

18. Having regard to all relevant considerations, including national planning policy and the potential availability of alternative sites, I do not consider that the benefits of the installation in terms of the enhancement of the telecommunications network, its contribution to economic growth and the operational and locational needs of the operators outweigh the significant harm arising to the character and appearance of the area.
19. For the reasons given above the appeal is therefore dismissed.

Mark Caine

INSPECTOR