



Appeal Decision

Site visit made on 30 August 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2023

Appeal Ref: APP/J4423/W/23/3315521

Goole Green, off Fulwood Road, Sheffield S10 3QH

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by MBNL against the decision of Sheffield City Council.
- The application Ref 22/04048/TEL, dated 1 November 2022, was refused by notice dated 23 December 2022.
- The development proposed is a 20m High FLI Cypress Tree on 5.5 x 5.5 x 1.2m deep concrete base with 6no. apertures at 20°/140°/260° and 2No. 600~~0~~ dishes. MHA's and active routers to be fixed to support poles below antennas and associated ancillary works.

Decision

1. The appeal is allowed and approval is granted under the provisions of 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 GPDO) for 20m High FLI Cypress Tree on 5.5 x 5.5 x 1.2m deep concrete base with 6no. apertures at 20°/140°/260° and 2No. 600~~0~~ dishes. MHA's and active routers to be fixed to support poles below antennas and associated ancillary works at Goole Green, off Fulwood Road, Sheffield S10 3QH, dated 1 September 2022, and the plans submitted with it including drawings 002 Site Location Plan, 003 Access Plan, 004 Lease Demise, 005 Cherry Picker & Crane Location, 215 Proposed Max Configuration Site Plan, 265 Proposed Max Configuration Elevation A.

Preliminary Matters

2. The provisions of 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.
3. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies GE2, GE4, BE5, BE14 and BE16 of the Sheffield Unitary Development Plan (the SUDP) are material considerations as they relate to issues of siting and appearance, including regarding telecommunications equipment. Similarly, the National Planning Policy Framework (the Framework)

is also a material consideration and includes a section on supporting high quality communications.

5. The proposal includes the provision of a mast along with a number of associated cabinets. It has been suggested that these cabinets do not require planning permission or prior approval to be granted and are instead covered by permitted development rights. However, the cabinets have been submitted as part of a prior-approval application and it has not been suitably demonstrated that the cabinets would fall under permitted development that does not require prior approval. Therefore, I have considered the cabinets as part of the appeal proposal before me.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area, including the countryside and the Fulwood Conservation Area (the FCA).

Reasons

Character and Appearance

7. The appeal site is located at the edge of a field within an area of undergrowth and adjacent to mature trees which, along with other vegetation, surround much of the field. The field is accessed from Fulwood Road via a narrow access track between a converted barn and a Scout Hut.
8. The appeal site is also within the FCA. This is a relatively large conservation area that covers a mixture of residential development at the edge of the settlement and the adjoining fields and woodland beyond. The area is predominantly characterised by the transition between the built-up and countryside elements. The Grade II Listed Guildhall, as a former barn, contributes to this transitional character. I find that the significance of the FCA stems, at least in part, from the verdant and spacious character of this edge of settlement location and the legibility of its historic connection with the countryside.
9. The proposal includes the erection of a 20m tall mast disguised as a cypress tree and a set of seven cabinets within a fenced off area covered in stone chippings. This would be sited in an area of undergrowth and younger vegetation adjacent to the mature trees at the boundary of the field.
10. Although the disguise would not stand up to close or prolonged inspection, it would be sufficient to largely hide the mast from public views where it would only be seen from a distance in glimpses between buildings and trees. Given its location at the edge of the field against the mature tree line, the prominence of this proposal would be further reduced. although the trees would provide greater screening while they are in leaf, even when these have dropped, the mast would still appear as an evergreen tree. Therefore, the proposed mast would not unacceptably affect the character of its rural surroundings and the FCA.
11. Some public views would be afforded across the car park serving Woofindin Road but would be softened by the trees surrounding the car park. Therefore these views would not be so clear as to result in the proposal being detrimental to the rural and historic character and appearance of the surrounding area.

Given the vegetation and buildings to either side of the access track serving the field, views from this direction would not be possible. I therefore find that the proposal would be physically and visually discreet from the listed building and would therefore have a neutral effect.

12. The functional and utilitarian design of the cabinets and compound would be incongruous with the verdant character of the surroundings. However, they would be set a significant distance away and partially screened from public views. Moreover, whilst the cabinets are solid, the fence would allow views through to the vegetation behind, somewhat softening its appearance.
13. Therefore, the siting and appearance of the mast and its associated works would not harm the character and appearance of the surrounding area and would preserve the character of the FCA and its countryside location, as well as the setting of the Listed Building. Consequently, the proposal would meet the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have also been mindful of, and the proposal would comply with, Policies GE2, GE4, BE5, BE14 and BE16 of the SUDP which are a material consideration as outlined above.

Other Matters

14. I note the landowners concerns regarding their ownership of, and intentions with, the field and appeal site. This decision does not prejudice the landowner's ability to withhold consent for the development to take place on their land.
15. Although the Council have raised concerns as to the extent to which the appellant has considered alternative sites, neither the Framework nor the GPDO require that the best feasible site be found. Therefore, as I have found that no harm would occur, I have not considered the alternative sites further.

Conditions

16. Any planning permission granted for the erection of telecommunications equipment, including a mast and cabinets under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

Samuel Watson

INSPECTOR