



Appeal Decision

Site visit made on 1 November 2023

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 17th November 2023

Appeal Ref: APP/J4423/W/23/3319003

Main Street, Hackenthorpe, Sheffield S12 4LB

- 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 Cornerstone against the decision of Sheffield City Council.
 - The application Ref 22/02975/TEL, dated 4 August 2022, was refused by notice dated 30 September 2022.
 - The development proposed is described as 'Proposed base station installation at Main Street, Hackenthorpe, Sheffield, South Yorkshire S12 4LB'.
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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 only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issues

4. The main issues are:
 - Whether or not the siting and appearance of the proposed development would preserve or enhance the character or appearance of the Hackenthorpe Conservation Area (HCA); and
 - In the event of any harm to the significance of the designated heritage asset being found, whether or not this would be outweighed by the need for the installation in the proposed location, the lack of less harmful alternative sites, and the proposal's public benefits.

Reasons

Conservation Area

5. The appeal site forms part of a grass verge on an area of pavement to the western side of Main Street, which lies in the heart of the HCA. The surrounding area is in mixed use, comprising commercial, industrial and residential properties. Whilst there are streetlights nearby, this stretch of Main Street is located adjacent to a car park and some single storey buildings. This results in the appeal site sitting in a relatively open and exposed position.
6. The proposed site elevation plan shows the monopole mast, which would be approximately 20 metres high, and equipment cabinets to be positioned adjacent to the back edge of the pavement and grass verge. I have been informed that the proposed 5G installation is the optimum design solution, and that the siting and height of the proposed mast arises from technical and operational requirements of providing signal coverage. I have no substantive reason to question this.
7. The terms of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. I have been provided with limited information on the HCA as a whole and its significance as I do not have the conservation area appraisal for this heritage asset before me. However, based on my site observations, I consider its significance, insofar as this appeal is concerned, to derive from its historic street pattern, buildings of architectural and historical interest, mature trees, and stone boundary walls.
8. The submitted HCA Plan identifies a number of nearby properties to the south, east and west of the appeal site to be 'Buildings of Townscape Merit'. The site is also in proximity to an original stone boundary wall. Despite the presence of street furniture nearby, the relatively spacious and open character of this section of Main Street, of which the appeal site forms a part of, helps to frame views of these buildings and boundary walls within the HCA. It thereby positively contributes to the significance of this heritage asset.
9. The proposed mast would be appreciably taller, bulkier and more prominent than the nearby street lighting column and would clearly project above the height of the nearest buildings. The trees shown on the plans would also not be sufficiently close to the monopole to provide any obvious screening benefit. As such, it would be prominent in views through the area including from road users and nearby residential properties. Furthermore, an element of perceived visual clutter at low level would also be introduced through the siting and amount of ancillary equipment cabinets on the pavement. The boundary wall and nearby buildings would not prevent views of this from along Main Street. Irrespective of its grey colour, the proposal would thereby result in the introduction of a dominant and visually obtrusive feature in the street scene.
10. The appellant contends that the equipment cabinets are within the size limits to be classified as permitted development. However, I am not convinced that there is a greater than theoretical possibility that the installation of the cabinets on their own may occur. In any case, the proposal before me relates to the whole installation, and I have therefore considered the impact of all of the proposed equipment on the character and appearance of the area.

11. As a consequence, the proposed monopole and ancillary equipment would visually distract from views into the HCA and therefore have a materially harmful effect on its significance.
12. I consider the harm that would occur to the significance of the MGLCA would be 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework). Paragraphs 199 and 200 of the Framework explain that great weight should be given to the conservation of a designated heritage asset, and that any harm requires clear and convincing justification. In paragraph 202 it goes on to state that where a proposal would lead to less than substantial harm to the significance of such an asset that this harm should be weighed against the proposal's public benefits, and I will turn to these below.
13. In light of the above, I find that the siting and appearance of the proposed development would not preserve or enhance the character or appearance of the HCA. In so far as it is a material consideration, the proposal would thereby be contrary to Policies BE5, BE14 and H14 of the Sheffield Unitary Development Plan (UDP) 1998 and Policy CS 74 of the Sheffield Development Framework Core Strategy 2009. Amongst other matters, these require telecommunications development to be sited and designed to minimise visual impact and seek high quality development that enhances the townscape of the city's neighbourhoods.

Need, Alternatives and Public Benefits

14. 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. My attention has been drawn to a number of Government and industry statements and guidance documents including the DCMS Code of practice for wireless network development in England (2022). I have also noted the 'Collaborating for Digital Connectivity' communication from the Department for Digital, Culture, Media and Sport which the appellant has referred to.
15. As such, I am mindful of the economic and social benefits of providing and enhancing electronic communication infrastructure and the importance of digital connectivity. I also note that in this case, there is no dispute that the upgraded equipment is needed to replace a shared shrouded rooftop installation to provide a 5G network and to maintain coverage in this area. Nor is there any contention of the public benefits to mobile connectivity and the network (access and speed) to a multitude of users, devices, services and sectors. These public benefits, which include economic, social, sustainable, health and education benefits, whilst only relating to customers of the operator, weigh in favour of the proposal.
16. 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.
17. Paragraph 117 of the Framework also 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 include

evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.

18. The appellant has provided evidence of its network coverage requirements and has listed 10 alternative sites that have been investigated and discounted. The Council are of the view that the reasons for site selection are generalised and do not explain why the proposal could not be sited outside of the HCA. The second reason for refusal also questions why a second mast, which lies within the search area at Staniforth Works (15/04420/FULTEL), and would be preferable in terms of visual impact, cannot be upgraded.
19. In response to this, the appellant's submissions indicate that the height of the chimney that the mast is attached to at Staniforth Works is restricted and therefore unable to provide sufficient network coverage or comply with ICNIRP requirements. In the absence of any substantive evidence to the contrary I have no reason to doubt this.
20. Nevertheless, I too am not convinced that the search area has been properly explored. I note that, as with all 5G cells, the relevant cell search area is constrained. However, several sites have been discounted on the basis of negative impacts on local character with minimal screening, which is the case here as reasoned above. Nonetheless, unlike the appeal site, some of these sites are located outside of the HCA and would therefore not be as sensitive. Furthermore, the map provided by the appellant shows the search area to extend over an area of open space to the north, and a stretch of Beighton Road to the east, which are both outside of the HCA. Little explanation has been given as to why these have not been considered.
21. Based on the available evidence and having regard to the sensitivity of the proposed location and identified harm, I am not convinced that alternative sites where the proposal may be more appropriately located are unavailable. As a result, it has not been demonstrated that the public benefits outlined above could not be achieved elsewhere, which would be preferable in respect of siting and appearance. In this instance the public benefits associated with the proposal therefore carry limited weight.

Other Matters

22. Neither main party has raised any objections to the effect of the proposed development on the setting of Greenside, a Grade II listed building. In reaching my decision I have also had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of this listed building. Given the intervening separation distance and the lack of intervisibility between this property and the proposed development I agree that the proposal would not harm the significance and setting of this heritage asset. On this basis, I am satisfied that it preserves those interests. Although the Council refers to UDP Policy BE19 in its decision notice, I find no conflict with this policy.
23. The appellant has referred me to 2 previous appeal decisions¹ for telecommunications development. I concur with the view that a balancing exercise must be carried out that weighs the need for telecommunications equipment and the public benefits against the harm in allowing the development to take place in a conservation area. However, I note that there

¹ APP/J4423/W/20/3252355 and APP/J4423/W/21/3285825

are clear material differences between the proposal and the individual circumstances surrounding these appeal decisions. These include the height of the masts, the amount of screening available, and that one of these examples is not in a conservation area. Whilst I have had regard to the appellant's points on these cases, I can confirm that these have not been decisive in my assessment of this appeal as I have determined it based on its own merits.

24. It has been put to me that the streetworks style concept has already been accepted in the immediate locality of the application site and elsewhere in the Authority. In addition, I recognise that the site is not in green belt or a designated area of open space and that the proposal would not be harmful to highway safety or have a detrimental effect on residential amenity. 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.
25. 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. Nonetheless, 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

26. Although the harm caused by the proposal would be less than substantial in Framework terms, it would nonetheless be significant, and any harm caused to a designated heritage asset is a matter that attracts considerable weight and importance. With that in mind, neither the public benefits of the scheme, nor any other material consideration, including national planning policy, and the operational and locational needs of the operators, outweigh the harm that would be caused to the significance of the heritage asset.
27. For the reasons above I therefore conclude that the appeal should be dismissed.

Mark Caine

INSPECTOR