



Appeal Decision

Site visit made on 3 November 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/Q4245/W/23/3319519

The Village street works, The Village, Trafford, M41 6JW

- 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 Gallivan of CK Hutchison Networks (UK) Ltd against the decision of Trafford Metropolitan Borough Council.
- The application Ref 109800/TEL/22, dated 5 December 2022, was refused by notice dated 5 February 2023. The development proposed is 5G telecoms installation: H3G 16m street pole and additional equipment cabinets.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GDPO 2015), 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. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policy L7 of the Trafford Local Plan¹ is a material consideration as it relates to issues of siting and appearance. In particular, it requires development to be appropriate in its context and enhance the street scene or character of the area. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and this includes a section on supporting high quality communications.
4. The appeal site is within the Flixton Conservation Area and therefore I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected in Local Plan Policy R1.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm

¹ Trafford Council – Trafford Local Plan Core Strategy Development Plan Document, Adopted January 2012.

would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The Conservation Area Appraisal² describes the Flixton Conservation Area as a settlement having evolved from piecemeal development over the centuries to form a cluster of heritage assets that represent a traditional mixed-use village centre. The Conservation Area comprises Church Road which runs from east to west, and the ancillary split side streets called The Village³. The area is characterised by wide grass verges, a green, mature tree planting and houses set back from the highway.
7. The cluster of residential properties, including Listed Buildings, together with the open grassed areas and trees characterise the significance of the Conservation Area. Larkside and 16 The Village are Grade II Listed Buildings which form a significant part of the Conservation Area. Larkside is one of the older buildings in the Conservation Area (inscribed on a timber rail as 1672), and No 16 The Village is described in the Appraisal as representative of 18th Century Flixton forming part of the historic core of Flixton.
8. The proposed installation would be sited close to the western boundary of the Conservation Area within a grassed area and with a backdrop of trees but it would be set apart from the trees and so views of it from the west and south would be uninterrupted. The pole would also be higher than the trees. There is also other street furniture in the area including lampposts and road signs but these are much shorter and slimmer. There is also one existing cabin in the grass verge which appears prominent. However, additional cabins would add clutter and detract from the attractive greenery of the grassed areas.
9. This is a highly prominent location and the open and natural appearance of the green and trees are important characteristics which would be seriously affected by the installation of a 16 metre high telecommunication pole and equipment cabins. The Listed Buildings, Larkside and 16 The Village would also be adversely affected by the intrusive prominence of the proposed telecommunications pole which would appear alien in the historical setting of the Conservation Area.
10. Consequently, the siting and appearance of the proposed installation would appear incongruous in this setting. It would harm the significance of the heritage asset and have an adverse effect on the Conservation Area and the setting of the Listed Buildings within it. It would also detract from the overall character and appearance of the area introducing an incongruous and harmful feature.
11. Paragraph 199 of the Framework requires that great weight should be given to the conservation of a heritage asset. In this case the harm caused would be less than substantial and therefore the harm should be weighed against the public benefits of the proposal.
12. In the wider sense the economic and social benefits of an improved telecommunications network are significant and such improvements would be

² Trafford Council Flixton Conservation Area – Supplementary Planning Document SPD5.18 Conservation Area Appraisal – October 2016.

³ The road naming on some of the plans submitted is confusing but The Village is clearly identified on the ground.

consistent with the objectives of the Framework. I am also aware of the ministerial correspondence referred to by the appellant is support of expanding the 5G network⁴. However, these public benefits in this case, are insufficient to outweigh the great weight to be attached to the harm I have identified to the designated heritage assets.

13. The appellant has listed and illustrated on a plan a selection of locations which have been explored but discounted. These alternatives have been discounted due to the unsuitability of pavements; proximity to residential properties; proximity to a railway line; and issues relating to visibility splays. However, this information is not so compelling as to justify the siting of the installation in the Conservation Area. I am not therefore convinced that alternative locations could not be found that would meet the appellant's requirements whilst providing the benefits referred to but not result in the harm I have identified.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR

⁴ Letter from the Department for Digital, Culture, Media & Sport and Ministry of Housing, Communities & Local Government, dated 27 August 2020.