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# Appeal Decision

Site visit made on 9 January 2024

**by Tamsin Law BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 January 2024**

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**Appeal Ref: APP/B1605/W/23/3326787**

**Barley Road Street Works, Barley Road, Cheltenham, GL52 3DB**

- 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 CK Hutchison Networks (UK) Ltd against the decision of Cheltenham Borough Council.
  - The application Ref 23/00431/PRIOR, dated 13 March 2023, was refused by notice dated 2 May 2023.
  - The development proposed is described as "proposed 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 provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require regard be had to the development plan. Consequently, I have taken it into account as a material consideration but only insofar as the policies relate to matters of siting and appearance.

## Main Issue

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

## Reasons

5. The appeal site is an area of footway on the corner of Barley Road and Prestbury Road. The immediate area is generally residential in nature and is characterised by two-storey semi-detached and detached dwellings and small blocks of flats. At this location dwellings are set back from the highway. There

are large grassed verges, grass islands and open space giving the area a spacious and verdant character.

6. The proposed development would be located on one of these grassed areas. The appeal site, being on a corner, is in a prominent location. Whilst there are streetlighting columns, telegraph poles and overhead lines in the wider area, apart from a lamp post, advertisement and recreation site sign, the appeal site is devoid of such furniture. The existing street furniture is considerably shorter than the proposal. To the rear of the site is a sports and recreation field which is devoid of built development.
7. Therefore, the proposal would appear visually intrusive and dominant in the street scene, noticeably taller and wider than other existing street furniture. This would be emphasised by the prominent location of the appeal site at a junction and in front of a sports and recreation field from which the proposal would be a dominant addition.
8. Given the harm I have identified to the character and appearance of the area, alternatives must be robustly explored to determine the likelihood of there being less harmful alternatives to the appeal scheme. There are a number of discounted sites, including locations near Cheltenham Football Club and the Kohler commercial site. These have largely been discounted due to proximity to dwellings and presence of services. However, these sites are large and appear within the search area. There would be potential to move the specific location of a mast. Pavements appear wide in some areas, with other street furniture already located within the footway. There also appears to be no overhead lines. Additionally, the immediately vicinity of the site does not appear to be wholly residential in character, and other tall structures, such as flood lights at the Football Club already exist. Therefore, subject to further investigation these sites might reasonably be less harmful to character and appearance than the appeal scheme.
9. I recognise the importance of good, fast, reliable, and cost-effective communications and the support for high quality communications infrastructure within the Framework. Nevertheless, I conclude that the harm from the siting and appearance of the proposed installation on the character and appearance of the area would not be outweighed by the need for the installation to be sited as proposed, considering the potential for suitable alternatives.

## **Conclusion**

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

*Tamsin Law*

INSPECTOR