



Appeal Decision

Site visit made on 9 January 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal Ref: APP/J4423/W/23/3322906

Top Road Street Works, Top Road, Sheffield S35 0AQ

- 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 CK Hutchison Networks (UK) Ltd against the decision of Sheffield City Council.
 - The application Ref 22/04179/TEL, dated 18 November 2022, was refused by notice dated 6 January 2023.
 - The development proposed is 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 principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposal solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to the policies of the 1998 adopted Sheffield Unitary Development Plan (the UDP), the 2009 adopted Sheffield Development Framework Core Strategy (the Core Strategy), and the December 2023 National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

3. The main issues are:
 - the effect of the siting and appearance of the proposal on the character and appearance of the area; and
 - if there is any harm, whether this would be outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Reasons

4. The appeal site comprises an area of pavement at the crossroads of Top Road, Long Lane and Kirk Edge Road. It is adjacent to an open grassed area enclosed by a stone wall. This space gives a village character to the area and contributes positively to its character and appearance. The area is residential in character and in the vicinity of the site, the dwellings are predominantly two storeys. Vertical structures in the form of streetlights of regular height and spacing are apparent in the streetscape, as are wooden telegraph poles and their associated overhead wires.
5. The pole and cabinets would be clearly visible within the immediate vicinity including the nearby residential properties. Although the existing built form would provide some screening to the lower parts of the installation from more distant vantage points including along Top Road, Long Lane and Kirk Edge Road, the pole would still appear conspicuously tall.
6. I appreciate that a more slimline pole is proposed to that of the previous scheme at the site. In addition, the height of the pole is stated as being the lowest required for the 5G service need identified in the area. Nevertheless, the pole would appear as an obviously engineered feature of a significantly greater scale and bulk than the existing vertical structures in the area. The large size and utilitarian appearance of the pole would appear out of scale and dominant within its context and would not sit comfortably within the streetscape. The site's location adjacent to the green space, which has a pleasant and open character and appearance, would exacerbate the visual dominance of the pole.
7. While the site is not within a designated area, the proposal would nonetheless stand out as an incongruous feature and would add visual clutter. The appearance of the proposal would not be mitigated by painting the equipment black, which would not alter the fundamental issue of its scale, height, and siting.
8. I therefore conclude that the proposal would cause significant harm to the character and appearance of the area.
9. Consequently, insofar as they are a material consideration, the proposal would be contrary to the aims of Policies BE5, BE14 and H14 of the UDP and Policy CS74 of the Core Strategy. These policies require new development, including telecommunications, to be sited to minimise visual impact, to be on a scale consistent with the residential character of the defined Housing Areas, and to take advantage of and enhance distinctive features including townscape and landscape character, amongst other matters. There would also be conflict with paragraph 119 of the Framework which requires telecommunications development to be sympathetically designed and camouflaged where appropriate, as well as the design objectives set out in paragraph 135.
10. The appellant has investigated alternative sites as required by paragraph 121 of the Framework. Six sites have been discounted, as described in the appellant's 5G Site Specific Supplementary Information and Planning Justification Statement (the SSSI). These have been discounted due to unsuitable pavements or grass verge, visibility splay issues, and residential location. Based on the submitted evidence, I am not convinced that sufficient justification has been provided to support the discounting of these sites.

11. I appreciate that the search area is constrained and that there is a limit to how far an operator can reasonably be expected to go to demonstrate no other less intrusive or harmful sites are available. Nevertheless, limited information has been provided as to why the alternative sites were discounted or why these were the only possible locations within the search area. I am not therefore convinced that less harmful alternatives have been properly explored.
12. Consequently, I conclude that the harm to the character and appearance of the area would not be outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Other Matters

13. The appellant's SSSI refers to an appeal decision for a 20 metre mast in London that was allowed on appeal¹. However, from the information before me, the main issues in that case related to whether the proposal satisfied the height limitations within the GPDO and its effect on pedestrians. It is not therefore directly analogous to this appeal scheme, which I have, in any event, considered on its own planning merits.

Balance and Conclusion

14. The proposal would provide new 5G coverage. A benefit of the proposal would therefore be faster mobile download/upload speeds and better connectivity within the surrounding area. As such, the proposal would contribute towards the Framework's objective of supporting high quality and reliable communications infrastructure, which paragraph 118 of the Framework identifies as being essential for economic growth and social well-being. In addition to the Framework, the appellant refers to a communication from the Department for Digital, Culture, Media and Sport and the Ministry of Housing, Communities and Local Government dated 27 August 2020. This encourages councils to support the expansion of high-quality digital connectivity and lends support to the proposal. These benefits weigh positively in favour of the proposal.
15. I recognise the need to provide additional telecommunications coverage within the locality and that the Government's support for telecommunications infrastructure needs to be carefully balanced against the visual impact of the proposal. In this case, in undertaking such a balance, the benefits of the proposal would not outweigh the harm that would be caused to the character and appearance of the area.
16. For the above reasons, having had regard to all matters raised, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR

¹ APP/A5840/W/20/3254830