



Appeal Decision

Site visit made on 9 January 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal Ref: APP/R0660/W/23/3326774

Crewe Road Street Works, Crewe Road, Shavington CW2 5DL

- 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 Cheshire East Council.
 - The application Ref 23/0983N, dated 10 March 2023, was refused by notice dated 4 May 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.

Procedural Matters

2. The principle of development is established by 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. These provisions require telecommunication proposals to be assessed solely on the basis of their siting and appearance, taking into account any representations received. Policies of the development plan and National Planning Policy Framework (the 'Framework') are taken into account, but only in so far as they are material considerations relevant to matters of siting and appearance. I have determined the appeal on this basis.
3. During the course of the appeal a revised Framework was published on 19 December 2023. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version in reaching my decision.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposal 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 proposed telecommunications installation is intended to provide 5G coverage to improve service in and around the Shavington area and meet the appellant's operational requirement to provide coverage to that area.
6. The proposed 'slim line' telecommunications pole and associated cabinets would be located on the pavement in a predominantly residential area of two-storey buildings alongside a main route through the village. A row of terraced properties on the other side of the road face towards the site. The junction with Main Road is opposite the site such that drivers would face the proposed pole and cabinets when waiting to exit onto Crewe Road. As the road rises up, when approaching from the east, and the road bends at this point the site occupies a prominent location in the street scene. Behind the appeal site there is an area of privately owned green space with a number of mature trees that positively contributes to the open and spacious character and appearance of this part of Shavington.
7. I saw there was other vertical street furniture in the vicinity with telegraph poles and slimline streetlighting columns. The plans indicate that the existing streetlights are about 6.5m tall and the adjacent trees behind range in height from about 6m – 9m tall. At 15m tall the proposed pole would be more than double the height of the streetlighting columns it would sit between. It would also be substantially taller than the adjacent trees, double the height of some. There would be seasonal variations with leaf cover as to any screening backdrop the trees might provide. Due to the pole's height compared to surrounding trees, streetlighting columns and telegraph poles, it would loom large and punctuate the skyline.
8. Furthermore, the associated cabinets, in combination with the pole, would be clearly visible at a lower level as a solid mass set against a relatively open backdrop of the low post and wire fence with open land behind. This would introduce street clutter where there is currently very little in this prominent location.
9. Overall, I find the proposed pole would appear conspicuously tall, out of scale and unduly dominant as to be a visually discordant feature in the street scene and hence would harm the character and appearance of the area.
10. In so far as they are relevant to issues of siting and appearance, the proposal would be contrary to Policies SE1, SD2 and CO3 of the Cheshire East Local Plan Strategy, Policies GEN1 and INF8 of the Site Allocations and Development Policies Document and Policy COM5 of the Shavington-cum-Gresty Neighbourhood Plan. Collectively they seek, amongst other things, to ensure that proposals positively contribute and are sympathetic to the area's character and surroundings and are camouflaged where appropriate.
11. As it is a prior approval application the issue of the principle of the proposed telecommunications pole is not itself an issue. The Framework, as a material consideration, recognises the importance of advanced, high quality and reliable communications infrastructure to economic growth and social wellbeing and that planning decisions should support the expansion of networks, including next generation mobile technology such as 5G. It also advises that the number of masts and sites for installations should be kept to a minimum, and existing masts, buildings and other structures should be utilised where possible before

considering new base stations. The appellant advises that there are no mast/site sharing opportunities and no existing buildings or structures were identified.

12. The Site Specific Supplementary Information submitted with the application included consideration of 4 alternative sites within the constrained cell search. For each there is a brief explanation of why each site was rejected. The explanations have not been expanded upon in the appellant's appeal documentation. From my site visit, it is unclear what the appellant means by saying the pavements of some of the alternative sites are 'unsuitable' when compared to the proposed site or what is meant by 'visibility splay issues'. Nor has it been explained why a site on a private road has been discounted, as it is not uncommon for telecommunication installations to be sited on private land or buildings.
13. I therefore find the level of detail for the discounted sites is somewhat scant and lacks sufficient information to be able to fully understand the reasons for their unsuitability, when compared to the appeal site's location, and to demonstrate that the appeal site is the only viable option. Where new sites are required the Framework states that the equipment should be sympathetically designed and camouflaged where appropriate. The proposal would not do this for the reasons already outlined above.
14. To conclude, the siting and appearance of the proposal would harm the character and appearance of the area, and this is not outweighed by the needs for the installation to be sited in the proposed location.

Other Matters

15. I am aware that there would be some social and economic benefits from the installation, but the GPDO is clear that the potential wider benefits should not be taken into account when considering siting and appearance. I am also aware of local concerns about the proposal.
16. I am also advised that planning permission has been granted for a church and community space on the open land behind the appeal site. However, I have not been provided with any further details of this, or layouts or designs or the location of any access points to the site. Nor is there any indication as to the fate of the trees on the land, which the appellant relies on for screening.
17. In terms of the potential effects on health the appellant has provided a certificate, in accordance with the Framework, to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Its compliance does not outweigh the harm I have identified.

Conclusion

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

K Stephens
INSPECTOR