



Appeal Decision

Site visit made on 5 December 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 7 February 2024

Appeal Ref: APP/C4235/W/23/3323298

Belmont Way Street Works, Belmont Way, Stockport SK4 2LJ

- 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, CK Hutchison Networks (UK) Ltd against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/087872, dated 11 February 2023, was refused by notice dated 27 March 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 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. I have determined the appeal on the same basis.

Planning Policy

3. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies CS8, CS9, CS10, SIE-1, SIE-3, SIE-5, T-1, T-3 of Stockport Metropolitan Borough Council Local Development Framework Core Strategy DPD, 2011, and Radio Telecommunication Development, Stockport Unitary Development Plan Supplementary Planning Guidance, 2003, are material considerations. This is because these relate to issues of siting and appearance, including with regard to the historic environment, transport and telecommunications. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.
5. Whilst a revised version of the Framework was published in December 2023, the relevant sections on supporting high quality communications and

conserving and enhancing the historic environment remain unchanged apart from paragraph numbering. Therefore, while it has been subject to some change, the principles that apply to this decision remain the same. Consequently, it has not been necessary to request observations from the main parties upon any implications of the revised Framework's publication.

Main Issues

6. The main issues are:

- The effect of the siting and appearance of the proposed installation on the character and appearance of the area, and whether it would harm the significance of nearby heritage assets;
- The effect of the siting and appearance of the proposed installation on the living conditions of neighbouring occupiers, having particular regard to outlook;
- The effect of the siting of the proposed installation upon the safety of pedestrian and cycle movements along the pavement; 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

Character and appearance and heritage assets

7. The site is located on a grass verge, within a wide area of footway. It is on the corner of a large road junction between Belmont Way and Wellington Road North, the A6. A small group of trees adjoin the site, behind which is a development of modern, two-storey housing. Belmont Way, leading up to the site, has on either side, wide verges stretching down to the road, which are interspersed with trees of different ages.
8. The area is largely residential, although there are some commercial and civic buildings nearby. This includes the site being within the vicinity of several designated and non-designated heritage assets, as set out in the Council's evidence. The proposal is within the immediate setting of the grade II listed former London and North Western Railway Company (LNWR) railway goods warehouse, plus the adjoining grade II listed engine house and accumulator tower, and the grade II listed Christ Church. The Hope Inn, which is locally listed, is also a short distance away and would, in the terms of the Framework, be a non-designated heritage asset (NDHA).
9. The LNWR warehouse is opposite the site. The significance of the listed building comes from its historic and architectural interest. It was designed to provide storage and the movement of goods from rail and road and retains a range of hoist mechanisms showing how the building would have operated. Built in 1877, its ornate architecture was used to promote the LNWR company. This large, brick-built, four-storey building is highly visible, flanking the edge of Wellington Road North.
10. The engine house and accumulator tower are similarly dated and constructed in red brick with dressings in stone and coloured bricks in an Italianate style. The significance of these buildings is derived partly from their architectural

qualities, their association with the warehouse and internally, the retention of equipment. The engine house was designed to provide hydraulic power to drive hoists in the adjacent warehouse.

11. Christ Church, which was built in 1846, is partially destroyed and is now redundant. The significance of the church relates to its architecture with its tall, ornate tower with a spire, its role as a place of worship in the local community, and that it is reputed to be the most ambitious surviving work of the architect W Hayley. The church is on an elevated site surrounded by a large churchyard and its height and position, adjacent to the A6, forms a backdrop to the proposal. It is therefore highly visible and striking in its location.
12. The Hope Inn is an imposing red-brick, symmetrically designed building. The significance of the building as it relates to this appeal, arises from the architectural composition, including the highly visible gold writing on blue at parapet level advertising the inn and the ales it sold.
13. The mast would be 15 metres in height, with three equipment cabinets located alongside it. Whilst the equipment is designed to be installed on grass verges and pavements, it would introduce further visual clutter in an area where there is already numerous street furniture, including signage, metal fencing, traffic lights and lamp posts. Nonetheless, the site is relatively open between the fence and the trees to the rear. Moreover, the grass verge, on which the proposed development would be sited, currently softens this urbanised and busy location. Instead, it would be largely replaced by the equipment, monopole and paving slabs.
14. I understand that the pole is the lowest mast required for improved 5G service in the area, and notwithstanding that it would be located adjacent to tall lamp posts, and against a backdrop of trees, it would be taller than anything within the immediate vicinity. This includes the adjoining two storey housing. Furthermore, although the monopole column width and headframe would be grey to blend in, they would be larger than other comparable features, such as lighting columns in the area. Therefore, they would be visually prominent and dominate this corner location. Moreover, when viewed along Wellington Road North looking towards Christ Church, the monopole would encroach into views of the tall, elegant spire. This is in part as this road is very straight and wide, and so any interventions into it are highly visible.
15. The equipment due to its appearance and siting would interfere with views of the listed buildings in question thereby disrupting the legibility of their special historic and architectural importance, such that their significance as heritage assets would be diminished.
16. The Hope Inn is set back from the road, and this combined with the distance between the building and the proposal, means that in relation to this appeal, the proposal would not harm the significance of this locally listed NDHA.
17. Therefore, I conclude on this issue that the proposal would be visually intrusive and would have an adverse effect on the character and appearance of the area. It would also harm the setting of the listed buildings in the vicinity of the site as set out above. This would, in the terms of the Framework, be less than substantial harm. The harm to the designated listed buildings must be weighed against the public benefits of the proposal which I discuss later in my decision.

Outlook

18. Notwithstanding my findings on character and appearance, the Council consider that the proposal would affect the outlook of the occupiers of neighbouring properties as it would be viewed from habitable rooms. The housing adjacent to the site is, however, built at an angle, with either blank elevations or openings at ground floor level, surrounded by high fencing. Therefore, based on the distance and siting, I do not consider that the proposal would be overbearing when viewed from these properties. Thus, it would not have an unacceptable effect on the living conditions of neighbouring occupiers with regard to outlook.

Effect on pavement

19. The site is on the route of both the Trans Pennine Trail, an equestrian, walking and cycling route, and the National Cycle Network (Route 55). As the proposal is on a grass verge, it would not prevent pedestrians and cyclists using the current footway. It is, however, adjacent to a major pedestrian crossing point along the junction of Belmont Way.
20. Whilst the appellant has stated that it has tried to ensure that the proposed development would not impact on pedestrians using the pavement in this location, there would be times that pedestrians, cyclists, horse riders and other users of the pavement would converge while waiting to cross the adjacent road. Siting the cabinets and monopole in this location would, therefore, reduce the circulation space in this area. Furthermore, the height and clustering of the cabinets and pole would likely reduce visibility between pedestrians, cyclists and other users of the pavement.
21. The Council's Highway Officer and organisations involved with sustainable transport and The Trans Pennine Trail have commented that this site is already a sustainable transport location that should remain safe for all users of the footway. Reference has also been made to future upgrades proposed at this junction to improve cycle and walking provision, including widening paths. However, any future plans for the site are not before me for consideration. It is clear to me, however, given the circumstances outlined above that the installation of the street pole and cabinets would have an adverse effect on the safety of pedestrian and cycle movements along the pavement in this location.

The availability of alternatives

22. I accept that the position of the newly proposed equipment would need to complement the existing network to promote continuous network cover, and that the street pole has been designed with a 15m height for the purposes of ensuring network coverage improvements. Moreover, the search area that was identified for the purposes of site selection was necessarily constrained in size.
23. However, whilst alternative sites were considered and discounted as part of the appellant's site selection process, detailed supporting information to fully corroborate that an exhaustive search of all possible sites was undertaken and that potential alternatives were discounted on reasonable grounds is not before me.
24. With regard to paragraph 121 of the Framework, the development should be justified. For a new mast or base station this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

25. The appellant has stated that a sequential approach was adopted, however, no mast or site sharing opportunities or existing buildings/structures were identified. Whilst the appellant carried out a desktop survey, followed by a physical inspection of the area, there is no substantive evidence of the methods employed and why there was no mast or sharing sites or existing buildings that could be utilised.
26. The appellant has provided a list of six discounted sites. These are, however, only on-street public highway locations. Despite the reasons given, there is no detailed evidence to justify precisely why these locations have been discounted and why the location of the appeal site is acceptable. Nor has it been clearly demonstrated that these six discounted options are an exhaustive representation of the options offered by the search area.
27. The Council have suggested several buildings that could be used for mast sharing which they state would avoid designated heritage assets, affecting the outlook from residential properties and the safety of the users of the footway. These options have not been included by the appellant. Consequently, it has not been satisfactorily established that no suitable alternative site, in a less sensitive location is available.
28. Therefore, based on the evidence before me, the need for the proposed installation to be sited as proposed does not outweigh the significant harms that I have identified would be caused to the character and appearance of the area and to the safety of users of the pavement by virtue of its siting and appearance.

Other Matters

29. Reference has been made to an appeal for a telecommunications installation¹ including a 20-metre monopole which was allowed. However, that decision relates to a different local authority area where a different host character and appearance would have been in place. Moreover, I am not familiar with all of the circumstances of that scheme and the associated appeal decision does not set a precedent for allowing the proposal now before me which I must consider upon its own individual merits.

Heritage Balance and Conclusion

30. I have identified that the siting and appearance of the proposed installation would cause less than substantial harm to the significance of the nearby listed buildings as a result of development within their setting. The Framework identifies that where less than substantial harm to a designated heritage asset is identified, this harm should be weighed against the public benefits of the proposal. The Framework also sets out that great weight should be given to the conservation of designated heritage assets, irrespective of whether the level of harm, as in this case, is less than substantial.
31. The Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The scheme would be in line with Government aspirations in this context and would support high quality communications and digital connectivity by offering 5G services.

¹ APP/A5840/W/20/3254830

32. Notwithstanding the considerable benefits that would result from advanced communications, these would not outweigh the less than substantial harm that I have identified that would be caused to the designated heritage assets. I have come to this conclusion bearing in mind that the weight carried by the benefits is much diminished by the fact that there is considerable remaining doubt regarding whether better alternatives might exist to deliver comparable telecommunications coverage, as outlined above. Moreover, the Framework states that great weight should be given to the conservation of heritage assets. In this case there are several that would be harmed by the proposed development and, as listed buildings, these are each of national importance.
33. This finding, along with my separate assessment that the need for the proposed installation to be sited as proposed does not outweigh the significant harms identified to the character and appearance of the area and to the safety of pedestrians and cyclists by virtue of the proposal's siting and appearance, indicate that the proposal should be unsuccessful.
34. For the reasons given above, I conclude that the appeal should be dismissed.

M J Francis

INSPECTOR