



Appeal Decision

Site visit made on 24 January 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/W4325/W/23/3328251

Heathfield Street Works, Heathfield, Wirral CH62 7AH

- 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 Wirral Metropolitan Borough Council.
 - The application Ref ANT-X/23/00408, dated 18 March 2023, was refused by notice dated 11 May 2023.
 - The development proposed is proposed 5G telecoms installation: H3G 15m street pole and associated equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It is understood that the listing of Heathfield Street Works on the application form and decision notice relate to the proposed development and not a location. The proposal would be situated on a grass verge adjacent to The Rake. This location is referred to in my decision.
3. The description of the proposed development in the banner heading has been amended to state 'associated equipment cabinets'. The term additional as used by the appellant would suggest that cabinets exist in this location. At the time of my site visit, no cabinets were present.

Main Issue

4. It is sought to erect a H3G 15m street pole and additional equipment cabinets (the mast). 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, Paragraph A.3(4), the GPDO requires the Local Planning Authority to assess the proposal solely on its siting and appearance, taking into account representations received. It does not require regard to be had to the development plan.
5. As such, I have considered Policy TE1 of the Wirral Unitary Development Plan 2000 (DP), the Designing for Development by Mobile Phone Operators Supplementary Planning Document 2006 (SPD) and the National Planning Policy Framework (the Framework) only insofar as they are material considerations relevant to matters of siting and appearance. I am also aware of

the emerging Wirral Local Plan 2021 – 2037 which has been submitted for examination. Such as the policies listed above, I have considered these emerging policies contained within the emerging plan only insofar as they are material considerations relevant to matters relating to siting and appearance.

6. It follows that the main issues are:

- the effect of the siting and appearance of the proposal on the character and appearance of the street scene; and,
- if any harm would occur, whether this is outweighed by the need for the installation to be sited in this position by taking into account any suitable alternative sites and the public benefits.

Reasons

Character and appearance

7. The mast would be situated on a grass verge along The Rake facing the junction with Ashfield Road. At this location, a hedgerow would be located behind the mast, with a small number of trees situated either side of the proposal. Bromborough Recreation Ground would be located behind the hedgerow and would create an open backdrop of space behind the mast. Two storey residential properties make up the great majority of building structures within the vicinity. However, these are separated from the site by large open grass verges which contribute to the open character of the area.
8. This location would enable clear and strong visibility of the mast at the head of Ashfield Road, with little disguise to its surroundings due to the openness of the site. This is further amplified by the open backdrop which would be situated behind the mast. This would offer little relief in helping to disguise its overall height. Whilst it would be as low as operationally possible, the mast would be much taller than the two storey buildings in the wider area, street furniture and lighting columns. Trees are located along the hedgerow behind the mast, but these are to the side of the proposal and would only offer full screening from certain vantage points. These trees would also only offer screening outside of the winter months. When viewed from its most prominent location at the head of Ashfield Road, there would be no trees directly behind the mast. This would allow for greater visibility along The Rake, Ashfield Road and from the Bromborough Recreation Ground.
9. Given such, the structure would appear as a discordant, incongruous and alien feature that would relate poorly to its environment due to its large height and strong visibility from many public vantage points.
10. Accordingly, insofar as they are a material consideration, the proposal would be contrary to the aims of Policy TE1 of the DP and the SPD. Amongst other things, this policy and SPD hold a presumption in favour of applications for telecom installation, subject to the siting and appearance of the proposal avoiding an impact on amenity. The development would work against the provisions of the Framework. Paragraph 119 of the Framework requires equipment to be sympathetically designed where appropriate. It is considered that this proposal would be inappropriate in its proposed siting and appearance.

Alternative sites and public benefits

11. The appellant has undertaken an exercise to assess alternative new sites. However, the reasons why 3 of the 4 options (D2, D3 and D4) have been discounted is short on detail. These are discounted as they would be 'too close to a railway line', 'the location is also in a residential area' and that a 'grass verge is not adopted'. There has been little explanation and assessment of the magnitude of these constraints and why these sites have subsequently been discounted. Given such, from the evidence before me, I find that a sequential approach to site selection has been followed, but not with sufficient rigour to enable me to ascertain that there are no realistic opportunities to erect an installation in a different location where its siting and appearance would be less harmful.
12. The Framework advises that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. It further provides that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G.
13. I recognise the importance of good, fast, reliable and cost-effective communications and the general economic, social, health, environmental and education public benefits that this mast would provide in this locality. Moreover, there is no basis to question the appellant's contention that the equipment is necessary to improve 5G coverage.
14. However, as I am not persuaded that there is an absence of more suitable alternative sites within the applicable network area, the public benefits of the mast do not outweigh the harm I have found arising from the siting and appearance of the proposal in this case.

Conclusion

15. For the reasons given above, the appeal should be dismissed.

J Smith

INSPECTOR