



Appeal Decision

Site visit made on 14 February 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal Ref: APP/J4423/W/23/3324403

Grass verge, Abbey Lane, close to junction with Folds Crescent, Sheffield S8 0BU

- 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 Cornerstone against the decision of Sheffield City Council.
 - The application Ref 22/04049/TEL, dated 7 November 2022, was refused by notice dated 21 December 2022.
 - The development proposed is the installation of a telecommunications base station comprising a 17.5 m high slimline column (height including associated antennas), associated GPS module to be fixed to the top, 2 no. equipment cabinets, 1 no. meter cabinet and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted under the provisions of Article 3(1) and Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a telecommunications base station comprising a 17.5 m high slimline column (height including associated antennas), associated GPS module to be fixed to the top, 2 no. equipment cabinets, 1 no. meter cabinet and ancillary works, at Grass verge, Abbey Lane, close to junction with Folds Crescent, Sheffield S8 0BU in accordance with the terms of the application, Ref 22/04049/TEL, dated 7 November 2022, and the plans submitted with it, including drawings 100B, 201D, and 301D.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (GPDO) under Article 3(1) and Schedule 2, Part 16, Class A, requires 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 of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the Council's Core Strategy¹ (CS) and Unitary Development Plan² (UDP), and the National Planning Policy Framework (the Framework) only in so far as they are

¹ Sheffield Development Framework Core Strategy, Adopted 2009.

² Sheffield A City for People, Sheffield Unitary Development Plan, Adopted 1998.

a material consideration relevant to matters of siting and appearance. The latest version of the Framework, published since the appeal was lodged, has not raised any new matters which are determinative to the outcome of this appeal.

Main Issue

4. 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, considering any suitable alternatives.

Reasons

Character and appearance

5. The appeal site comprises part of the grassed central reservation separating a service road and the main carriageway of Abbey Lane. This central reservation contains street lighting and road signage, as well as a line of mature trees to the east. To the west, tree saplings have been planted, but these remain small. Land levels rise gradually from the west. The area is residential in character.
6. The proposed installation would be substantially taller and bulkier than existing tall structures in the vicinity of the site, namely streetlighting. It would also be notably taller than the single and two storey housing that characterises the area, contrasting in scale. However, Abbey Lane is a wide road that has a sense of spaciousness. This provides some capacity to accommodate a taller structure without it appearing overly constrained or confined by the built form.
7. Given its siting within the central reservation, the proposed installation would also be prominently positioned for passers-by. When approaching from the west, the proposal would be exposed due to a lack of trees to the foreground and the rising topography would emphasize its prominence. However, in these views, the proposal would be seen with a backdrop of mature trees on Abbey Lane itself and at the entrance to Folds Crescent. This backdrop would serve to soften the impact of the structure to a degree, even when these trees are not in leaf. From the east, the line of existing mature trees in the central reservation would provide partial screening of the proposed installation, more so in the summer months, until viewed at close quarters.
8. Whilst no attempts are made to camouflage the structure, the height is stated to be the minimum possible to achieve the coverage required, while the slim form of the proposed installation and a sensitive colour finish would assist in mitigating these impacts to some extent. Interested parties express concern about the number of such installations in the wider area, however, this part of Abbey Lane does not have a high prevalence of existing street furniture and so the addition of the proposal would not result in an unacceptably cluttered appearance. Nevertheless, as a result of its contrasting size and prominence in some views, the installation would result in some detriment to visual amenity.
9. As such, the siting and appearance of the proposed installation would harm the character and appearance of the area. Saved UDP Policies BE14 and H14, and CS Policy CS74 collectively, and amongst other matters, seek to ensure that development generally is of a high quality by ensuring the scale, layout, built form and materials of new development respects and enhances the townscape and residential character of an area, and that telecommunications development

is sited so as to minimise its visual impact. The Framework requires places to be well designed and new telecommunication equipment to be sympathetically designed also. As the siting and appearance of the proposed installation would harm the character and appearance of the area, it would conflict with these policies.

10. The Council's decision notice also references saved UDP Policy BE5. As this policy considers new and refurbished buildings and extensions, I do not find it directly relevant to the appeal scheme.

Need for the installation to be sited as proposed considering any suitable alternatives

11. The purpose of the proposed installation is to provide improved 3G and 4G network coverage and capacity, together with new 5G network coverage to the area for Vodafone. While interested parties have questioned the need for the proposal, paragraph 122 of the Framework advises that applications must be determined on planning grounds only and the need for an electronic communications system should not be questioned. The Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The Council affords significant weight to the social and economic benefits of the scheme, and I have no reason to disagree.
12. However, the robustness of the site selection process is a matter of dispute. Saved UDP Policy BE14 requires that new equipment should share masts or be sited on existing structures where this is technically and economically possible. Paragraph 119 of the Framework states that sites for the installation of electronic communications masts, should be kept to a minimum, and the use of existing masts, buildings and other structures for new electronic communications capability should be encouraged.
13. The appellant's Statement of Case sets out that the Abbey Lane/Hutcliffe Wood Road/ Bocking Lane area is the target for upgrade. Presently, 2G, 3G and 4G coverage for both VMO2 and Vodafone Limited, is provided from an installation on Hutcliffe Wood Road. It goes on to confirm that for technical reasons, this existing installation cannot be upgraded to include 5G capabilities for both existing operators. The information states that street furniture style mast solutions are no longer a viable sharing option for operators due to technical issues, including weight, wind loading and individual operator antenna separations. Therefore, a new site is required nearby for the sharing operator (Vodafone Limited) to relocate to and deliver their 5G upgrade. As such, the evidence before me suggests that upgrading this existing installation is not technically feasible for both operators. Confirmation is also provided that there are no feasible roof top options in this largely residential area.
14. Details of 7 alternative ground-based sites were provided with the application to the Council. The search area is constrained by a number of factors, including a need to fit into the existing and planned network, requiring a site within 250m of the established base station. Each alternative has been discounted for a site-specific reason, including, the presence of underground cabling, harm to residential character, obstruction to visibility for vehicles and pedestrians, ease of maintenance, proximity to dwellings, and potential damage to tree roots, and so these reasons are not generalised. Further, the Council has offered no

substantive evidence to suggest that these discounted sites could be appropriate, or any alternatives. An interested party has suggested a location at Beauchief golf course, however no precise location has been identified and this golf course appears to be outside of the defined search area.

15. Therefore, given a lack of identified more suitable alternatives within the target area, I attach significant weight to the need to site the installation as proposed to facilitate the identified upgrade within this area.

Other Matters

16. A significant number of interested parties have expressed a wide range of concerns, including the Abbey Lane Neighbourhood Group, whose representation includes a petition opposing the appeal scheme.
17. Whilst construction of the proposed installation would bring workers to the area and may generate noise disturbance to local residents, this would be of short duration only. Whilst telecommunication cabinets may be the target of graffiti, there are other mechanisms in place to require its removal. There is no substantive evidence before me to suggest that the proposal would interfere with pedestrian or vehicular visibility in relation to the road network, and the Highways Authority raised no concerns in this respect.
18. Some occupiers of housing to either side of Abbey Lane would have a direct outlook onto the proposed installation, separated by the width of the service road or main carriageway, and modest front gardens. However, the proposed mast is a slimline structure, whilst the cabinets are small. The proposed installation would take up only a portion of the view from these windows, which would otherwise be an open outlook over the highway to the housing opposite. As such, there would not be a materially harmful impact on the outlook of the occupiers of these properties. Any shadow cast by the slimline mast would be minimal and not harmful.
19. Paragraph 122 of the Framework confirms that in determining applications, health safeguards should not be different from the International Commission on Non-Ionizing Radiation Protection guidelines for public exposure. The appellant has confirmed in writing that the proposal would be compliant with the guidelines laid down by the International Commission and so I need not consider this matter further. The proposed installation would not prevent use of Abbey Lane for public exercise and so there would be no detriment to well-being in this regard.
20. Finally, reference is made to the proximity of the site to land designated as Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping designated Green Belt land permanently open. The proposed installation would be positioned within an established residential area that is not designated as Green Belt, and it would not result in urban sprawl.

Balance

21. Whilst I have found that the proposal would result in harm to the character and appearance of the area, this harm would be outweighed by the need to site the installation as proposed in order to deliver the upgrade and increased coverage identified, given the lack of suitable alternatives within the area.

Conditions

22. Any planning permission granted for development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

23. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

S Brook

INSPECTOR