



Appeal Decision

Site visit made on 23 January 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/A0665/W/23/3320039

Whitchurch Road, Beeston Brook, Tarpoley, Crewe CW6 9NW

- 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 EE Ltd against the decision of Cheshire West and Chester Council.
 - The application Ref 22/04580/TEL, dated 9 December 2022, was refused by notice dated 3 February 2023.
 - The development proposed is the installation of 1No. 15m Alpha 7-18 pole, 1No. Tri-Sector antenna, 2No. 0.3m dishes and 3No. ground-based equipment cabinets and ancillary development thereto.
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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 (GPDO 2015), 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. My determination of this appeal has been made on the same basis.
3. At the time of my site visit I saw that a mast was under construction close to the appeal site, which I understand from the evidence before me was approved in August 2023 (23/01831/TEL).

Planning Policy

4. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan, related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. 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 taking into account any suitable alternatives.

Reasons

6. The proposal would be located within the grassed verge between the A49 and a layby, close to the West Coast Main Line railway in an area of fields and open countryside.
7. Although there are bends in the road close to the proposed location for the mast, it would be visible by traffic using the A49 for some distance in both directions. Whilst I accept that the pole would be slim and the fir green colour has been chosen to blend in with the landscape, the mast would not be located close to trees or other items of street furniture of a similar height. The mast and accompanying cabinets would therefore appear as a prominent and imposing addition to the street scene.
8. Whilst I accept the need for the mast to be close to the railway line, and that the antennas must have a clear line of site to it, this does not outweigh the harm to the character and appearance of the area if the apparatus is permitted in the proposed location.
9. Several appeal decisions have been brought to my attention regarding the installation of masts and associated cabinets. I do not have the full details of the appeals before me and in any event, I have determined the appeal on the site specific circumstances of the case.
10. I find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area. Insofar as it is a material consideration, it would conflict with Policy DM18 of the Cheshire West and Chester Local Plan Part Two which amongst other matters seeks to ensure that measures have been taken in respect of siting, scale and landscape to minimise the impact of the development.

Need and alternative sites

11. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast would provide 5G coverage for users of the nearby West Coast Main Line and a number of potential benefits have been set out by the appellant. Reference has also been made to a number of Government documents that set out the importance of high speed digital communications infrastructure.
12. An exercise to assess alternative sites has been undertaken by the appellant. The appellant identified that during this process, no mast sharing or existing building structures were suitable and therefore, new base stations were necessary. The options presented by the appellant were discounted for various reasons including the proximity of residential development, distance from the railway line, height of buildings near the track, access constraints and impact on the landscape. However, site D10 was only considered to be inappropriate without any detail as to why. I therefore do not consider that sufficient evidence has been given to demonstrate that the alternative sites are unsuitable.
13. For the reasons given, I cannot be certain that other suitable alternative sites have been fully and robustly considered. Accordingly, on the information before

me, the need for the installation to be sited as proposed, taking into account any suitable alternatives, does not outweigh the identified harm that would occur to the character and appearance of the area due to the siting and appearance of the proposal.

Conclusion

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

H Senior

INSPECTOR