



Appeal Decision

Site visit made on 6 February 2024

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2024

Appeal Ref: APP/C4235/W/23/3326890

Ringmore Road Street Works, Ringmore Road, Stockport SK7 3PL

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Gallivan, CK Hutchison Networks (UK) Ltd against the decision of Stockport Metropolitan Borough Council.
 - The application Ref is DC/088211.
 - 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. 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 GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions. The provisions of the GPDO require the local authority to assess proposed development solely based on its siting and appearance, taking account of any representations received. My determination of this appeal has been made on the same basis.
3. The Council's decision notice refers to policies of the Stockport Core Strategy DPD 2011 (CS), the Radio Telecommunication Development Supplementary Planning Guidance 2003 (SPG) and the National Planning Policy Framework (the Framework). The principle of development is established by the GPDO, and its provisions do not require regard to be had to the development plan or the Framework. Nevertheless, such policies and guidance are material considerations where they relate to issues of siting and appearance.
4. During the appeal, a new version of the Framework came into effect. The Framework includes sections on supporting high quality communications and achieving well designed places. As the Framework's policy content insofar as it relates to the main issues has not been significantly changed, albeit that the numbering of paragraphs has changed, there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development upon 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

Character and appearance

6. The proposed telecommunications installation would be located on a narrow strip of grass verge that lies between Ringmore Road and the pavement. The site lies on the edge of a modestly sized parcel of open space encompassed by two storey residential properties. Because of the verdant character of the open space, it provides an area of prominent and pleasing visual relief within this predominantly residential suburban setting. Several residential properties overlook the area of open space.
7. The grass verge includes several street trees, streetlighting columns and a covered bus stop nearby. The height of the proposed street pole would be significantly taller than the surrounding trees and buildings and would be excessive in this location. It would be readily perceptible when viewed from Brent Moor Road at its junction with Ringmore Road, and when travelling along Ringmore Road. It would also be sited close to the gable elevation of 10 Reveton Green, which includes windows at ground and first floor facing the appeal site.
8. Although there are streetlighting columns in the area, the column width of the proposal would be bulky in comparison to the streetlighting. The proposed street pole would appear as a conspicuous and discordant feature within its immediate typically low level residential surroundings and on the edge of an area of open space.
9. I note that the proposed height of the installation is the minimum required to achieve the required coverage. Nonetheless, irrespective of the colour of the street pole, it would have an overly functional appearance in the skyline which would appear as an obtrusive feature above the tree canopies that would be harmful to the inherent domestic scale and appearance of this residential suburban area.
10. I acknowledge that the site is not within an area with an environmental or statutory designation and the street trees would provide some screening to the proposal in longer views along Ringmore Road. However, this would be significantly reduced during the winter months when the trees would not be in full leaf. In any event, the area still has visual qualities that are worthy of protection which would be undermined from the incongruous siting and appearance of the proposal.
11. The proposed cabinets would be typical of the form of structures seen on roadsides, and while numerous, would not appear as unduly harmful features or create undue visual clutter due to their low height and juxtaposition between trees.
12. For the above reasons, as a result of its siting, utilitarian appearance and height, I conclude that the proposed 15m street pole would fail to integrate

into its surroundings and would detract from the positive qualities of this part of Ringmore Road, to the significant detriment of the character and appearance of the area.

13. Insofar as they are material considerations, the proposal would be contrary to Policies CS8, SIE-1 and SIE-5 of the CS and advice within the SPG. Together, amongst other things, these aim to promote good design by ensuring that development does not have an unacceptable effect on the character or appearance of the locality. Given that I have concluded that the siting and appearance of the proposed installation would harm the character and appearance of the area, the proposal would conflict with paragraphs 119, 131, and 135 of the Framework which refers to the need to achieve well-designed places, and specifically, require development to be of high quality design which adds to the overall quality of an area, be sympathetic to local character including the surrounding built environment, and for 5G equipment to be sympathetically designed and camouflaged.

Alternative sites

14. Paragraph 121 of the Framework advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. 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.
15. The appellant has set out alternative sites that were considered as part of the site selection process, and the reasons why they were not pursued. I acknowledge that, as with all 5G cells, the relevant search area is very constrained and that in this case, the designated search area covers what is largely a residential area comprising of predominantly single and two storey buildings. I also note the appellant's assertion that the type of installation proposed is the optimum design solution for deploying 5G technologies and the height at 15 metres is the lowest that would work effectively.
16. However, the appellant's assessment does not provide sufficient consideration to the suitability of existing masts, buildings or other structures nor to the construction of a new mast on a less sensitive site than has been proposed. In this regard, I note that there is an existing telecommunications mast off Pepper Lane, on the nearby industrial estate to the east of the proposed site. Although marginally outside of the cell search area, no information has been provided as to whether this mast could be shared or raised in height to provide the required coverage.
17. Whilst six alternative ground-based 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.
18. In relation to sites D1, D2, D4 and D5 in the appellant's site selection assessment, it is evident that the pavement in these locations would be too narrow to accommodate the required street pole and equipment cabinets and would be close to several residential properties, although the proposal before me would also be close to a residential property.

19. In relation to 'Site D3 – Redford Drive' the appellants site selection assessment discounts the site due to narrow pavements and proximity of residential properties. However, from my assessment on site, I saw potential for alternative locations within the vegetated area close to the entrance on Redford Drive, and within the car park of Shady Oak public house and the convenience store.
20. The reasons for discounting 'Site D6 – Bramhall Green' are due to visibility splay issues. Whilst no further information has been provided regarding visibility splay requirements, I consider that this location would be visually more harmful than the proposed location due to the lack of vegetation on the grass verge. However, a short distance to the east, on the north side of Ringmore Road, beyond Chudleigh Close, is a gravel footpath adjacent to an area of green space that includes trees, vegetation and a litter bin. Similarly, further eastwards, there is a largely vegetated area adjacent to an existing bus shelter on Ringmore Road. These areas are within the area of search but do not appear to have had any assessment or consideration in the site selection process.
21. On the information before me and from my site visit, the evidence does not convincingly demonstrate that a thorough review of possible options within the cell search area has been carried out or that the appellant has adequately explored whether there may be less harmful alternative sites. There remains a substantive possibility that the use of alternative, less harmful locations within the target coverage area at least merit further consideration. As a result, I am not satisfied or convinced that there are no other potential and viable alternative suitable sites available within the target coverage area.

Other Matters

22. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
23. I have had regard to other matters raised by interested parties, including in relation to pedestrian safety, green space, drainage and ground stability. However, given my conclusions on the main issue, it is not necessary to explore them in further detail.
24. I appreciate that the appellant sought pre-application advice from the Council before submitting the application, although I have not been provided with any substantive evidence that a response or support for the proposed location was received. Nonetheless, I have only had regard to the planning merits of the proposal that is before me.

Planning Balance and Conclusion

25. The government is committed to supporting the deployment of next-generation mobile infrastructure. This is generally reflected in the Framework, which

contains a clear expression that advanced, high quality communications infrastructure is essential for sustainable economic growth. In this regard, there is encouragement to local planning authorities to support the expansion of electronic communications networks, including telecommunications. The proposed mast would expand 5G coverage and provide service in a current network gap. In this regard, whilst I recognise the general social and economic benefits, those benefits have effectively been recognised by the grant of permitted development rights in the GPDO. Hence, they do not carry additional weight when considering matters of siting and appearance as part of the prior approval process.

26. I have found that the siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the area, to which I apportion significant weight. Moreover, it has not been demonstrated that this harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.
27. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR