



Appeal Decision

Site visit made on 27 February 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2024

Appeal Ref: APP/R0660/W/23/3329086

Wood End Farm, off Lidgetts Lane, Rainow, Macclesfield SK10 5TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 MBNL (EE UK Ltd and Hutchison UK Ltd) against the decision of Cheshire East Council.
 - The application Ref is 23/2373M.
 - The development proposed is described as NTQ proposed telecommunications installation, proposed 20m high valmont climbable monopole on screwpile grillage (details TBC) with config 2 circular headframe for 6No. antenna apertures at 350°/180°/270° & 4No. 600ø dishes, MHAs and active routers to be fixed to headframe behind antennas and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural 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. 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. I have nevertheless had regard to Policies SE1, SE4, SD2 and CO3 of the Cheshire East Local Plan Strategy 2010-2030 (July 2017) (the CELPS), Policies INF8, GEN1 and ENV3 of the Cheshire East Local Plan Site Allocations and Development Policies Document (December 2022) (the SADPD) and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

4. 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

5. The appeal site is a parcel of agricultural land to the west of Lidgetts Lane. The topography of the area is steep, rising up from the west of the site and beyond the woodland to the east towards the ridge at Kerridge Hill.
6. The site falls within an area designated as Green Belt, the Peak Fringe Local Landscape and the upland foot slopes landscape character area, and the edge of the Peak District National Park is located to the east of the site. There are numerous public footways and vantage points in the surrounding locality from which unspoilt long-range views of the sensitive landscape can be achieved by visitors and residents.
7. Whilst the overall footprint of the installation would be relatively limited and the monopole would be slender, the extent of the apertures to be affixed to it and its overall height would cause it to be a bulky, vertical feature in the skyline. This, along with the proposal's prominent location within this rich landscape would cause it to be a visually intrusive, utilitarian feature which one would not expect in this locality. It would significantly detract from and jar with its rural surrounds.
8. As the existing nearby mast is not as visually prominent due to its lower height and positioning within the adjacent quarry site, the proposal would be an alien feature in the landscape. The woodland beyond the appeal site would fail to screen or assimilate the proposed installation into the landscape, rather it would exacerbate its prominence as one would view it as a stark contrast to this natural, sloping backdrop. I am not convinced that painting the proposed monopole a shade of green, or any other colour, would assist in camouflaging the installation.
9. Support is provided through the aforementioned policies of the development plan and chapter 10 of the Framework for the provision of high-quality communications, noting that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing. A number of wide-ranging benefits would arise through continued digital coverage in the locality.
10. Accordingly, given the harm to the character and appearance of the area, a balance must be struck, and consideration should be given to the need for the installation to be sited as proposed, taking into account any suitable alternatives.
11. This proposal seeks to replace an existing installation located at the quarry on the opposite side of Lidgetts Lane, which the appellant indicates is subject to a Notice to Quit. Based on the evidence before me however, there is some uncertainty around this arrangement. Whilst the licence agreement may have expired, I am not convinced that the site can no longer be utilised, or a solution agreed with the landowner so as to maintain the existing cell coverage.
12. Nevertheless, even if this was the case, paragraph 121 of the Framework expects that an application for a new mast is supported with evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.
13. Other than comments on the size of the cell area, I have no exact details of the target area. I cannot therefore accurately ascertain whether there are

opportunities in the locality for mast and site sharing or existing buildings which could be utilised, or whether there are other options available in order to ensure existing coverage is maintained. I cannot also determine whether the reasons for discounting the other sites that were considered are reliable or robust due to the lack of detailed information on their location within the cell search area.

14. Further, throughout the appellant's evidence, reference is made to the cell area being constrained by residential uses, despite the rural characteristics of the immediate locality. All in all, the evidence is unclear.
15. Consequently, I am not satisfied that a comprehensive review of the availability of alternative sites within the search area has been undertaken to demonstrate that the appeal site represents the only viable option. As such, the weight I can afford to the economic and social benefits of the proposal is limited.
16. Therefore, the siting and appearance of the proposal would cause harm to the character and appearance of the area and this harm is not outweighed by the need for the installation to be sited as proposed. Insofar as they are a material consideration, the proposal would be contrary to policies SE1, SE4, SD2 and CO3 of the CELPS, policies INF8, GEN1 and ENV3 of the SADPD and the Framework in terms of their collective objectives of achieving well designed places.

Other Matter

17. I note the Council's concerns that the drawings referenced on the Declaration of Conformity with ICNIRP Public Exposure Guidelines do not correspond to those submitted with the appeal proposal. The appellant has not commented on this matter. As I am dismissing this appeal for other reasons it has not been necessary to pursue this matter further as it would not have altered my overall decision.

Conclusion

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

H Ellison
INSPECTOR