The Planning Inspectorate

Appeal Decision

Site visit made on 12 March 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 28th March 2024

Appeal Ref: APP/X3025/W/23/3326272
Nottingham Road Street Works, Mansfield NG18 4AA

- 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 Gallivan, Cignal Infrastructure UK Limited against the decision of Mansfield District Council.
- The application Ref is 2022/0791/PNSCM.
- The development proposed is a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

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. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the Order do not require regard to be had to the development plan. Nevertheless, I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only insofar as they are material considerations relevant to matters of siting and appearance.

4. The Government published a revised Framework in December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was therefore not necessary to seek comments from the main parties on the updated Framework. I will refer to the revised paragraph numbers in this decision.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal 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

Character and appearance

6. The appeal site comprises a narrow strip of grass situated between a pavement and a boundary wall, with brick piers and close boarded fencing in between. It is located alongside a relatively busy road close to the junction of Nottingham Road, High Oakham Road, Waverley Road and Forest Road.

7. In close proximity to the appeal site alongside Nottingham Road are existing streetlights, telegraph poles, road signs and a number of mature trees both along the edge of the road and within neighbouring and nearby gardens. The buildings in the immediate area are set back from the road within spacious grounds and are generally two storeys in height.

8. I understand that the technical requirements of the proposal dictate the dimensions of the mast and the number of cabinets needed. The proposed equipment would be situated within the grass verge area furthest away from the road. Despite the setback from the edge of the road, it would be highly visible when moving along Nottingham Road.

9. Although the proposed 15 metre street pole is said to be designed to be located alongside public roads, it would be significantly taller than surrounding built form and structures. Whilst there are other vertical elements such as streetlights and telegraph poles alongside the road within the grass verge areas, these are significantly lower than the proposed street pole. Despite the grey colour, it would harmfully contrast with the surrounding built environment.

10. Whilst there are tall trees nearby, along the road and within neighbouring and nearby gardens, the design of the proposed street pole would be hard edged, and it would appear as a wholly different and discordant feature against the softer, more organic shape of the trees.

11. To conclude, the siting and appearance of the proposal would be harmful to the character and appearance of the surrounding area. Insofar as they are material planning considerations, the proposal would conflict with Policies IN11 and P2 of the Mansfield District Local Plan 2013 – 2033 Adopted September 2020. These policies, amongst other things, require that developments respect existing patterns of development which contribute to the character of the area and that telecommunications development do not contribute to street clutter.

12. The proposal would also conflict with paragraph 119 of the Framework, which says that equipment should be sympathetically designed.

Alternative sites

13. 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.

14. As I have found above that the proposals would cause harm to the character and appearance of the area, paragraph 121 of the Framework indicates that applications should be supported by the necessary evidence to justify the proposed development. In particular, it requires evidence to be provided as to

the possibility of erecting antennas on an existing building, masts or other structures before considering a new free-standing mast.

15. The appellant states that there are no masts near to the search area that could be utilised for mast sharing. Based on the submitted information I have no reason to disagree. Given the location and the predominant character and scale of built form within the area, I am also satisfied that it is unlikely that existing buildings and structures could be utilised in preference to a new installation.

16. The appellant's search area shows a 100 metre radius around a specific point alongside Delamere Drive. The appeal site sits outside of the search area by some distance. There is limited information on how the proposal would contribute to the coverage of this area, given it would be located outside of the initial search area. Consequently, I am unable to conclude how the proposal would affect coverage in this area.

17. The appellant has identified six other sites that were considered and discounted. Whilst one along Alexandra Avenue (D4) was discounted partly on the potential affect on visual splays from the junction, all six sites were discounted due to narrow pavements and the other five due to the proximity to residential properties. All of the identified sites, including the appeal site are within a residential area. Whilst I note that there are narrow pavements in some of the locations, some of the sites, albeit the location plan provided is not detailed enough to see the exact location in context, are located on areas of grass verge rather than within the pavement.

18. Overall, I do not consider that sufficient evidence has been given to demonstrate that the alternative sites identified are unsuitable or that the search for possible alternatives was robust in this case. Having regard to the above, there is not sufficient evidence before me to definitively rule out other sites and to conclude that the proposed development needs to be sited as proposed because the appeal site is the only feasible or least-worst option.

Other Matters

19. The appeal site is not in a conservation area nor is it subject to any environmental designations. The appellant asserts that there would be no harm to trees subject to Tree Preservation Orders, or to the amenities of neighbouring residents or those using the pavement. These are neutral factors that weigh neither for, nor against the proposal.

20. I note that there was one letter of support received by the Council in relation to the proposal due to the need for improved mobile connectivity, albeit I note that it was identified as reluctant support. I have reached a different conclusion in relation to the effect of the siting and appearance of the proposal on the character and appearance of the area, for the reasons stated above.

Conclusion

21. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

G Dring

INSPECTOR