



Appeal Decision

Site visit made on 13 February 2024 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/W9500/W/23/3330759

Gateway Centre Garages, Whitegate Close, Staithes TS13 5BB

- 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 North York Moors National Park Authority.
 - The application Ref NYM/2023/0107, dated 15 February 2023, was refused by notice dated 5 April 2023.
 - The development proposed is the installation of a 17.5 metre high slim-line monopole supporting 6 no. antennas, 2 no. equipment cabinets 1 meter cabinet, and ancillary development thereto, including 3 no. Remote Radio Units (RRU's).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Strategic Policy A and Policy BL10 of North York Moors National Park Authority Local Plan (2020) (LP) referred to in the Authority's reason for refusal are material considerations insofar as they relate to issues of siting and appearance.
4. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework) and this is also a material consideration to this appeal, including its section on supporting high quality communications. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party and I have made my recommendation on this basis.

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 surrounding area.

Reasons for the Recommendation

6. The proposed installation would be sited amongst a row of garage buildings and next to a flood light pole located at the side of the public highway of Staithes Lane in the large coastal village of Staithes, which is within the North York Moors National Park. As noted by the appellant there is a significant land level difference between the appeal site and the harbour to the north.
7. The immediate surrounding area to the appeal site comprises some mature trees, storage units, industrial buildings and residential properties. Opposite the site is a public carpark, a playground and a café establishment. Local buildings are generally a maximum of 2 storeys in height, with the notable exception being Captain Cooks Inn which is a three-storey building. The fairly low height of buildings and structures provides a degree of uniformity that contributes positively to the character and visual qualities of the locality and the coastal landscape.
8. The proposed monopole would be significantly taller than the existing street furniture and local buildings. At 17.5 metres high it would protrude way above the nearest floodlight/streetlight which is shown on the submitted plans as being around 7.8 metres above ground level.
9. The Framework, at paragraph 119, advises that where new telecommunication sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
10. The pole would be seen from a significant distance away from several directions, although I acknowledge that from some viewpoints it would be seen in the context of the existing built development and/or the topography of the landscape. Notwithstanding that, the upper element of the pole would be seen against the sky from several directions. It is common ground that the proposed monopole would be markedly taller than the surrounding features and as such it would be a highly dominant feature in the locality primarily as a result of its height. In saying that, I acknowledge that its height may well be the minimum for the current proposal to meet safety guidelines.
11. I am also conscious that it would be highly visible from local properties and would be prominent from the Staithes Car Park and a public footpath which links to the coastal path. In my view, it would be at odds with the low-level scale of local buildings and structures. In these respects, the pole would be obtrusive and fail to harmonise with its surroundings. As such, it would have a significant visual impact and the use of a grey finish (or any other colour) would not address the harmful visual effects of the monopole.
12. In respect of the equipment cabinets, these would not be prominent and as such I consider that they would be compatible with the surrounding area.
13. For the above reasons, the column would stand out as an incongruous feature within the surrounding area largely as a result of its height. As a result, there would be significant harm to the character and appearance of the area. It would also be contrary to Strategic Policy A and Policy BL10 of the LP which amongst other matters seek to ensure that the provision of infrastructure for telecommunications and information technology do not have an unacceptable adverse visual impact upon the character of the locality and the wider landscape. It would also be contrary to the overarching aims of the Framework.

Telecommunications balance

14. The Framework, at paragraph 118, is clear that advanced, high quality and reliable communications infrastructure is essential for sustainable economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks. It also specifically includes support for next generation mobile technology.
15. The Council does not dispute the need for network coverage in the area, nor is there any contention of the substantial benefits to mobile connectivity and I have no reason to disagree with that view. However, as I have already identified, the proposal before me would result in significant harm to the character and appearance of the area.
16. As noted by the Council, there may well be other locations which would have a lesser impact on the character and appearance of the area, such as the industrial buildings/curtilage nearby. From the evidence before me, this site has not been fully considered by the appellant. Additionally, there is little information as to why a two-site option has not been considered which had been suggested by the Council. Whilst the consideration of other sites is not before me, the lack of consideration of possible less intrusive sites tempers the positive weight I can give to the benefits of the scheme before me.
17. Taking all of the above into account, I consider that the benefits of the provision of the appeal installation do not outweigh the harm I have found to the character and appearance of the area.
18. I have also considered the generally supportive aspects of the Framework and Policy BL10 of the LP in reaching the above view. However, from the evidence before me, I consider that suitable alternative means of providing coverage have not been fully explored and that there remains a possibility that the use of alternative, less harmful, location or locations may merit further discussion. This is particularly important in the context of Policy BL10 as this is generally supportive providing that the siting of the installation makes use of the least environmentally intrusive option available, subject to technical issues.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed, and prior approval should not be granted.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence, and my representative's recommendation, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR