



Appeal Decision

Site visit made on 16 April 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2024

Appeal Ref: APP/V4250/W/23/3334225

Gin Pit, Meanley Road, Tyldesley M29 7DW

- 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 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 & Hutchison UK Ltd) against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/23/96228/TCSO.
 - The development proposed is NTQ telecommunication installation, proposed 25m high FLI slimline climbable lattice tower and associated ancillary works.
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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. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. The fact that the appeal site is in the Green Belt does not alter this. 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.
4. Nevertheless, Policies CP10 and CP17 of the Wigan Local Plan Core Strategy 2013 (CS) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure developments respect the character of the Borough and do not have an adverse effect on amenity. Similarly, the Framework is also a material consideration and this includes a section on supporting high quality communications. Detailed advice contained in the Telecommunications Supplementary Planning Guidance note 2006 (SPG) is also a relevant material consideration for this appeal.
5. On March 21 2024, after the appeal was submitted, the Council adopted the Places for Everyone Joint Development Plan Document as part of their Development Plan. PfE is a joint Development Plan Document produced by nine Greater Manchester districts, of which Wigan is one. The Council provided me

with a list of updated policies relevant to the appeal, and the appellant was given the opportunity to make any further comments in regards to those.

6. Following the adoption of the PfE, Policy JP-G9 of the PfE has superseded Policy CP8 of the CS. Also of note is Policy JP-C2, Digital Connectivity. I have considered these policies as material considerations alongside Policies CP10 and CP17 of the CS.
7. Also since the appeal was submitted, a revised version of the Framework was published in December 2023. In relation to this appeal the relevant parts of the Framework are similar. Consequently, I have not gone back to the parties for comments. Whilst I have had regard to the Framework as a material consideration in reaching my decision, no party would be prejudiced or caused any injustice by me taking this approach.

Main Issue

8. 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

Character and appearance

9. The appeal site lies to the side of an established bridleway that runs through Colliers Wood, which is a large area of open space and woodland at the edge of the residential area of Gin Pit village. In addition to residential properties, there is a sports club with associated facilities in proximity to the appeal site. From my site visit, it was apparent that Colliers Wood is well used by walkers and cyclists.
10. Much of the surrounding area to the site comprises open fields with some wooded areas. As such, it has a semi-rural character and verdant appearance. The lattice tower would be located in a compound enclosed with 2.4m high mesh fencing and coiled razor wire. The proposal would be located in an open grassed area next to the bridleway. The proposal would not benefit from any natural screening and would be highly visible from the bridleway and the open land to the north, west and south of the site. It would appear as a stark, incongruous man-made feature in the landscape, particularly in the context of the softer natural surroundings.
11. The proposal seeks to replace an existing installation located at the sports club, which the appellant indicates is subject to a Notice to Quit. I acknowledge that the proposal would therefore be replacing nearby existing telecommunications infrastructure and would not be adding a new feature that would be totally unusual within the landscape. The existing monopole at 15m is, however, some 10m shorter than the proposed tower. It is also located within a carpark and is viewed in the context of adjacent built development and other vertical street furniture. As such the existing mast is less incongruous and less harmful to the character and appearance of the area than the proposed development.
12. The appellant has set out the rationale for the height of the tower and explained that 25m is the very lowest that works for operators. The appeal site is bounded by trees and vegetation to its eastern boundary with Meanley Road

and the proposal would be some distance from the nearest residential properties. Nevertheless, the proposed tower would be almost twice the height of the nearby mature trees. These would therefore fail to fully obscure or help the tower to assimilate into the landscape. As such, the tower would be a visually intrusive and prominent addition to the surrounding area. It would be particularly noticeable from short and medium range views from Meanley Road and Ley Road, where it would appear dominant in the street scene.

13. Furthermore, the various vertical street furniture items in the vicinity, such as street lighting columns, lighting for the sports facilities and telegraph poles are shorter than the proposal. An alternative external colour would also fail to overcome the impact of the height of the structure, which would rise considerably above the height of anything around it. Furthermore, the proportions of the proposal would be thicker and bulkier than nearby vertical structures, particularly the headframe designed to support the antennas.
14. I note that the proposed siting is not within a conservation area or in close proximity to listed buildings, nor within an area identified as sensitive, or in an area with a statutory designation for particular protection for its character. However, this does not alter my assessment on the acceptability of the appeal proposal.
15. Accordingly, having regard to its siting and appearance, the proposed development would cause harm to the character and appearance of the area. Insofar as they are a material consideration, the proposal would be contrary to Policy JP-C2 of PfE which seeks to support the roll-out of mobile technology whilst protecting townscape quality. It would also conflict with Policies CP10 and CP17 of the CS, the SPG and the Framework in their collective objectives of achieving well designed places.

Alternative sites

16. Paragraph 118 of the Framework states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The appellant has stated that without this infrastructure there would be a significant coverage hole in the area, and that EE shares a network agreement with the emergency services. The replacement mast would be a site share covering all four mobile network operators.
17. Accordingly, given the harm to the character and appearance of the area, a balance must be struck, and consideration must be given to the need for the installation to be sited as proposed taking into account suitable alternatives.
18. Paragraph 121 of the Framework explains that applications for electronic communications, including prior approval, should be supported with the necessary evidence to justify the proposed development. This should include for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure.
19. In this instance I have not been provided with details of the extent of the buildings, structures or existing masts that were discounted. Whilst the appellant dismisses those options as unviable, there is little information before

me on those alternative sites, and I am not able to form my own view on the matter.

20. The appellant has also considered and discounted a number of sites within the cell search area. However, I cannot accurately determine whether the reasons for discounting these other sites are reliable or robust, as the reasons given for discounting them lack detailed information being very brief, generic, and unsupported by other evidence. For example, a number of the sites were discounted for being close to residential buildings and having residential amenity issues, but it is unclear whether these sites would be closer to residential buildings or have a greater impact on residential amenity than the appeal site. There is no explanation setting out why these sites were chosen as alternatives and no substantive evidence demonstrating why other areas of land within or close to the search area were not considered and discounted.
21. Consequently, I am not satisfied that a comprehensive view of the availability of alternative sites within the search area has been undertaken to demonstrate that the appeal site represents the only viable option.
22. Even accounting for the importance that the Framework places on the need for high quality mobile communications, the need for installation in the particular location proposed has therefore not been sufficiently demonstrated to outweigh the harm to the character and appearance of the area.

Other Matters

23. Whilst I note the Government's support for expansion of electronic communications networks, such equipment should also be sympathetically designed. Reference has been made to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

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

L C Hughes

INSPECTOR