
Appeal Decision

Site visit made on 7 May 2024

by Helen B Hockenhull BA(Hons) BPI. MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 June 2024

Appeal Ref: APP/M4320/W/23/3336617

Bells Healthcare, Slaidburn Crescent, Southport, Merseyside, PR9 9YF

- 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 MBNL against the decision of Sefton Council.
 - The application Ref DC/2023/01727, dated 2 October 2023, was refused by notice dated 24 November 2023.
 - The development proposed is the installation of 1 no. 20 metre monopole with 6 no. apertures mounted at 18.65 metres, 4 no. 600mm dishes at 14.65 metres, the installation of 5 no. cabinet and ancillary equipment.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the siting and appearance of the proposed installation of 1 no. 20 metre monopole with 6 no. apertures mounted at 18.65 metres, 4 no. 600mm dishes at 14.65 metres, the installation of 5 no. cabinet and ancillary equipment on land at Bells Healthcare, Slaidburn Crescent, Southport, Merseyside, PR9 9YF in accordance with the application ref DC/2023/01727 and the plans submitted with it including 002 Location plan, 215 Proposed Max Configuration Site Plan, 265 Proposed Max Configuration Elevation A.

Preliminary 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 Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Whilst I have had regard to the revised Framework, the issues most relevant to this appeal remain unaffected by the revisions. I am therefore satisfied that there is no requirement to seek further submissions on this matter, and that this would not disadvantage any party. For correctness, I have used the 2023 Framework paragraph references.

4. 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 had regard to the Framework, and the policy referred to in the reason for refusal, Policy EQ2 of the Sefton Local Plan, in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue in this case 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

6. The appeal site is located within an existing industrial estate and forms an area of grassland with three mature trees near to the entrance to Bells Healthcare. The area is fenced off by palisade fencing and there is an existing substation immediately to the north.
7. The site lies approximately 20 metres from an existing 20 metre high telecommunications mast. The Council have raised concern that should the appeal be successful, the existing mast would remain. Cumulatively the two masts would cause harm to the character and appearance of the area. As the existing mast lies outside the 'red edge' of the application boundary for this appeal on private land, it would not be possible to impose a condition requiring the mast's removal.
8. The appellant has confirmed that they have been given Notice to Quit the existing site and therefore need to find a new location. A copy of the Notice has been provided in the appeal submission. The new mast would form a replacement to the existing one but would be upgraded to 5G.
9. The appellant points out that, whilst the basis of the planning permission for the existing mast is unclear, it is likely to have been granted permission by the General Permitted Development Order 1995 (GDPO) so that the structure would be subject to a condition that it has to be removed when it is no longer required.
10. On the basis of the evidence before me, I am satisfied that on the balance of probabilities, the existing mast would be removed when the new one becomes operational.
11. Turning to the proposed structure itself, it would be the same height as the existing mast but would include more equipment. The area is characterised by large industrial warehouses many with prominent signage and there are a number of lighting columns close to the site. The mast would be seen in the backdrop of the existing warehouse buildings and would not be directly overlooked by residential properties.
12. The proposal includes five ground-based equipment cabins, which, whilst they are included in the appeal proposal for completeness, would form permitted development under Class A of Part 24, Schedule 2 of the GDPO. Nevertheless, they would be set back behind the existing palisade fence which would provide an element of screening.

13. In this context, I consider that the proposal would not form an intrusive or dominant feature. It would cause no harm to the character and appearance of the area. The proposal therefore complies with Policy EQ2 of the Sefton Local Plan which promotes high quality design.
14. I note that the appellant has provided evidence of alternative sites considered. These have been rejected for a variety of reasons including the width of the pavement, existing street furniture and trees as well as proximity to residential properties. The Council queries the robustness of this exercise as no information is provided on the possibility of mast sharing on other structures or buildings. However, in light of my conclusion above, that the appeal proposal causes no harm to local character, it is not necessary for me to consider this matter further.

Conditions

15. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

16. Paragraph 118 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communication networks, including next generation mobile technology (such as 5G).
17. For the reasons given above, I find that the proposal would cause no harm to the character and appearance of the area and therefore the appeal should be allowed, and prior approval should be granted.

Helen Hockenhull

INSPECTOR