



Appeal Decision

Site visit made on 4 April 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 19th June 2024

Appeal Ref: APP/H0724/W/24/3336578

Proposed Base Station Installation at CTIL: 30741000, Grass Verge of Hart Lane, Throston Grange, Hartlepool, England TS26 0XP, NGR E: 448772 N: 533456

- 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 Cornerstone against the decision of Hartlepool Borough Council.
 - The application Ref P/2023/0014.
 - The proposed development comprises the installation of a 20m high slim-line monopole supporting 6 no. antennas, 2 no. equipment cabinets, 2 no. 300mm dishes and ancillary development thereto including 3 no. Remote Radio Units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the development description and address from the submitted prior approval letter and have corrected the spelling of the road name.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 account of any representations received. My determination of the appeal has been made on the same basis.
4. 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 the policies of the Hartlepool Local Planning Framework: Hartlepool Local Plan 2018 (Local Plan) and the National Planning Policy Framework (the Framework), in so far as they are a material consideration relevant to matters of siting and appearance.
5. During the appeal, the Government published a revised Framework on 19 December 2023. The Council and the appellant have referred to the revised Framework in their appeal statements and I am satisfied that there is no requirement to seek further submissions on this matter. For correctness, I have used the 2023 Framework paragraph references where required.
6. New evidence was submitted with the appeal and included consideration of several additional alternative sites, a map showing all sites considered and the

search area and reference made to a number of previous appeals. This information responded to points raised by the Council in its reason for refusal and appeal statement. The Council and third parties have had the opportunity to comment on this information through the appeal process. Therefore, no party would be prejudiced by my taking this evidence into account.

Main Issue

7. The main issue in this appeal 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 would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

8. The appeal site is located on a grass verge adjacent to Hart Lane, close to the signalised junction with Tarnston Road and next to a car park which serves several nearby retail/commercial units and a dental clinic/medical centre. The other surrounding areas consist of the road corridors with footpaths, wide grass verges and mature tree belts. The areas beyond these, although not highly visible, are typically residential. The area has a variety of existing street furniture and other vertical features including bins, commercial signage, lighting columns, road signage, traffic lights, bollards and pedestrian guardrails.
9. The proposal would consist of a 20 metres (m) high slim-line monopole supporting six antennas, two equipment cabinets, two 300 millimetres (mm) dishes and ancillary development.
10. Even though the appeal site would be next to a busy road corridor, near a signalised junction, and close to retail/commercial buildings, due to the reasonably flat and open expanses of the car park, roads and surrounding grass verges, it would be in an exposed and prominent location. It would not be well camouflaged, and would be highly visible in the surrounding close by and moderately distant views from public areas such as the roads, nearby footpaths, the car park and the retail/commercial units. Due to its height and antenna arrangement, the one and two-storey buildings, small trees to the verges and even the more distant tree belts would not screen or provide a sufficiently close backdrop to filter the proposal's appearance in these views.
11. The proposed monopole would be significantly greater in height than the existing nearby vertical structures and despite its slimline and tight antennas design, it would also be greater in thickness. As such it would not resemble existing features and would be the most dominant piece of street furniture in the locality. Even though telecommunication installations are reasonably common features in the area, in this location it would not successfully integrate into the street scene. The existing street furniture would provide some visual distraction to the proposal's cabinets, and, as their size and number are small and cabinets are reasonably common features in street views, they would not unacceptably add to the street clutter of the area.
12. The proposed design would be less harmful than alternative designs such as lattice towers or unshrouded pole designs with bulky headframes. However, this does not justify the visual harm it would cause. Nor would the proposed

colour of the monopole, or changing it, successfully mitigate its height and form impact.

13. While the mature tree belts would provide a backdrop which would assist in filtering out the proposal in some of the longer surrounding views, this would not remove the visual impact to the closer range views. Similarly, while views of the proposal from the surrounding housing would be quite distant and limited by some of the buildings and trees, this would not address the visual harm identified to the views from the nearby public areas.
14. Overall, the proposal would appear as a dominant and visually intrusive feature in the closer and moderately distant views. The siting and appearance of it would harm the character and appearance of the area. In so far as it is a material consideration, the proposal would conflict with Policies INF5, QP4 and QP6 of the Local Plan. Amongst other matters, these seek the design and siting techniques of telecommunications minimise the impact of equipment and that all developments are designed to a high quality and positively enhance their location and setting. It would also conflict with Paragraphs 119, 131 and 135 of the Framework which requires equipment to be sympathetically designed and camouflaged where appropriate and development be of a high quality and visually attractive.
15. It is contended that the proposal would meet the siting and design recommendations set out in the Code of Best Practice on Mobile Network Development in England (March 2022). However, due to the above site-specific conditions, this is not sufficient to mitigate the visual harm I have found.

Suitable Alternatives

16. As the proposal's siting and appearance would cause harm to the character and appearance of the area, it is important to consider if any less harmful alternative sites are available.
17. Eleven alternative sites, referenced in the appellant's final comments statement as D1 SSSI to D11 SSSI, were considered and discounted at the application stage. An extra six alternative sites, referenced as D1 and D5 to D9, and three of the application stage sites, referenced as D2 to D4, were considered in the appellant's appeal statements. This information included clarification on the reasons for discounting alternative sites D2 SSSI, D4 SSSI, D6 SSSI, D8 SSSI and D9 SSSI and the provision of a map plot showing all the alternative sites and the search area boundary.
18. While the number of alternative sites has been increased and the reasoning for discounting many has been explained in more detail than at the application stage, there are still a number of discrepancies in the information presented.
19. The information indicates that five sites (D3 SSSI, D5 SSSI and D7 SSSI to D9 SSSI) were outside the identified search area. Only two of these sites (D3 SSSI and D5 SSSI) are clearly noted at the application stage as being discounted due to being located too far to deliver the required level of coverage. The remaining sites are noted as being discounted due to being either closer to residential properties or near a Scheduled Monument with no mention of the sites being unsuitable due to a lack of coverage. At the planning application stage, these remaining sites were discounted on the basis that other alternative sites exist which would be more appropriate to deliver the

required coverage to the target area. There is little explanation as to why alternative sites outside of the search area were considered and discounted for reasons other than a lack of coverage. It is therefore unclear if the search area shown is correct and whether all suitable alternative sites within the locality have been adequately considered.

20. Notwithstanding the above, it is also evident that sites D10 SSSI and D11 SSSI were in the search area, but a radio planner discounted them as not providing the optimum coverage compared to the appeal site. However, little substantive evidence has been presented to demonstrate that these sites could not provide sufficient coverage. Furthermore, no comparison of the effect of these sites on the character and appearance of the area compared to the proposal's effect has been provided. It is therefore not possible to assess if these would offer less harmful alternatives to the proposal.
21. I appreciate the operators' technical constraints including the specific height requirement, legal requirements and the essential need for the installation. However, clear and persuasive evidence has not been provided for the selection of the appeal site. It has not been sufficiently demonstrated that alternative sites are unsuitable and that a less harmful site than the appeal site would not exist. Consequently, it has not been sufficiently demonstrated that the need for the installation in the location proposed outweighs the harm to the character and appearance of the area.

Other Matters

22. In support of the proposal, reference is made to seven previous appeals¹. However, full details of these have not been provided and, from the information submitted there is a range of differences with the proposal before me that makes them not directly comparable. This includes a number of the examples having significantly shorter monopoles which, in all likelihood would have assisted in reducing their visual impact on the street views. From the site descriptions and photographic details there is little evidence to show the examples have similar site characteristics as the proposal's wide road corridors, large verges and distant tree-line vistas. Indeed, some of the examples are noted as having an existing monopole and tall pylons carrying electricity wires which are not evident at the appeal site before me.
23. In most of the examples, contrary to the appeal before me, it was found that the monopoles were acceptable/not harmful to character and appearance and there was no requirement to consider if less harmful alternative sites existed. In the example that found an adverse visual impact on the character and appearance in a conservation area, there was no dispute that there were no suitable alternative sites available. Overall, as noted, the examples are not directly comparable and do not change my findings regarding the proposal. In any event, I have considered the proposal on its own planning merits and found it to be unacceptable.
24. Further to the above, three examples of similar installations including Hyde Road Manchester (LPA Ref: 131373/TEL/2021) have also been highlighted in support of the proposal. However, the detail of these is limited with most being shown on localised photographs which provide little context of the surrounding

¹ APP/E5330/W/16/3159250, APP/J4423/W/17/3188962, APP/G4240/W/21/3268575, APP/P4605/W/21/3276432, APP/G5180/W/16/3151769, APP/H0724/A/05/1192357 and APP/J4423/W/20/3252355.

area or planning circumstances. It is therefore not possible to directly compare these examples to the proposal before me. Accordingly, they do not change my view on the harm I have found.

25. The proposal would replace an existing installation that cannot be upgraded. It would provide improved 2G, 3G, 4G and new 5G coverage and capacity, ensure that the area has access to the latest technologies and provide a choice of mobile network suppliers for consumers. It would support the key Government, regional and local priorities of providing advanced, high quality and reliable communications infrastructure and provide social and economic benefits and social well-being. However, these are not factors considered in the matters of siting and appearance. Even if they were, it has not been sufficiently demonstrated that suitable less harmful alternative sites which would, in all probability provide the same benefits do not exist.
26. Paragraph 120 of the Framework states that local planning authorities should not impose a ban on new electronic communications development. The appellant contends that the Council's refusal indicates there is a ban on telecommunications development in low-rise areas. However, the Officer Report details the reasoning and planning judgement taken in refusing the application. No evidence is presented by the appellant to show a ban exists.
27. While I appreciate the appeal site would be in an accessible location for the proposal's infrequent maintenance requirements, there is little evidence presented to show that other suitable alternative sites could not provide this.
28. The appellant advises that a pre-application enquiry was submitted to the Council, but no response was provided. However, this was due to the appropriate fee for this service not being submitted.
29. I appreciate that the statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications and the Planning Practice Guidance (PPG) advises that prior approval is a light-touch process. However, it is still necessary to ensure a proposal meets the GDPO's conditions and limitations and sufficient evidence to support this is provided.
30. The appellant refers to Paragraphs 11, 38 and 85 of the Framework and Policies SUS1 and INF1 of the Local Plan related to achieving sustainable development and Paragraphs 118, 119 and 122 of the Framework which support high-quality communications. However, as detailed above I have only considered the Framework and Local Plan policies in so far as they are a material consideration relevant to matters of siting and appearance.

Conclusion

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

J Symmons

INSPECTOR