



Appeal Decision

Site visit made on 30 July 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2024

Appeal Ref: APP/U4230/W24/3341774

Peel Park Temp, Land off Kenyon Way, Little Hulton, Manchester M38 0BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by EE UK Ltd & Hutchison UK Ltd against the decision of Salford City Council.
 - The application Ref is PA/2023/0527.
 - The development proposed is temporary telecommunications installation and associated ancillary works.
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Decision

1. The appeal is dismissed.

Application for costs

2. Salford City Council has made an application for a full award of costs from EE UK Ltd & Hutchison UK Ltd. This is the subject of a separate decision letter.

Preliminary Matter

3. The 24m high mast and ancillary works are in situ. An emergency notice for the intention to install electronic communications apparatus was given on 15 January 2021¹ with 18 months expiring in July 2022. A temporary permission for a period of 12 months for the retention of the mast and associated works was approved on 3 March 2023, and expired on 3 March 2024.² The appeal relates to an application to retain the installation for a further temporary 12 month period.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - whether sufficient evidence has been submitted to justify the granting of a further temporary permission to allow retention of the development.

¹ 21/76808/ELCOM

² 22/80331/FUL

Reasons

Character and appearance

5. The appeal site lies on an area of hardstanding located between Kenyon Way and a large recreational park, Peel Park. The area is largely residential, although there are a number of commercial premises in proximity, including a social club. From my site visit, it was apparent that Peel Park was well used by local residents.
6. The ancillary works at the base of the installation are well screened from public view by hedging. However, the mast is 25m tall on a steel lattice frame, with a large headframe and six antennas and a leg mounted dish. Despite its position, set back from the footpath, it is therefore visible from vantage points and properties along Kenyon Way and Manchester Road West. It is also noticeable from vantage points within the park where it appears as a stark, incongruous man-made feature, particularly in the context of the softer natural surroundings.
7. 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. Whilst there are tall trees within the park, which help to screen the mast from certain viewpoints, the mast is taller than the surrounding mature trees. The trees therefore fail to obscure the structure or fully assimilate it into the landscape. This would be particularly apparent during the winter months when the trees are not in leaf. As such the mast and its headframe is a visually intrusive and prominent addition to the surrounding area.
8. The various vertical street furniture items in the vicinity, such as street lighting columns and telegraph poles, are shorter than the proposal. An alternative external colour would fail to overcome the impact of the height of the structure. Moreover, the proportions of the proposal are thicker and bulkier than nearby vertical structures, particularly the headframe designed to support the antennas.
9. The mast is visible from residential properties along Kenyon Way and Manchester Road West. Despite its positioning set back to some extent from the nearby properties, the overall height and bulky headframe of the mast appears as somewhat imposing, particularly from the rear of properties along Kenyon Way.
10. I note that the appeal site 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.
11. The proposal is therefore contrary to Policies D1, D2 and DG1 of the Salford Local Plan (2023) which together seek to ensure that development enhances the surroundings, protects, enhances and responds to the positive character and distinctiveness of the local area, minimises the impact of equipment on the visual amenity, character and appearance of the surrounding area, and respects the character of the locality. Furthermore, the development would conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that developments are sympathetic to local character.

Temporary Permission

12. Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only. Circumstances where a temporary permission may be appropriate include where it is expected that the planning circumstances will change in a particular way at the end of that period. From the evidence before me, in this instance I consider that a temporary permission was granted for a period of twelve months, until March 2024, on the basis that planning circumstances would change insofar that a permanent solution less harmful to the character and appearance of the area would be sourced.
13. The appellants have explained that the mast is needed for a further temporary period of twelve months to provide telecoms services to the area whilst a permanent solution is sought.
14. 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, which is not a new additional facility, there would be a significant coverage hole in the area. Moreover, EE shares a network agreement with the emergency services. The mast is a site share and covers four mobile network operators from one installation, thereby reducing the cumulative amount of masts in the area.
15. I recognise that there are significant time frames involved in sourcing and implementing a new permanent solution. However, I have had regard to the Planning Policy Guidance, which is clear that it will rarely be justifiable to grant a second temporary permission (Paragraph: 014 Reference ID: 21a-014-20140306, revision 06.03.2014). Whilst I recognise that the cell search area is constrained geographically, in this instance there is no substantive evidence before me that the appellants have sought to source a permanent solution in the period since receiving a temporary permission for the development. Furthermore, I have no substantive evidence that any sites have been comprehensively considered and discounted to indicate that the appeal site would be the only or most appropriate location for the development in the cell search area in order for me to grant a permanent permission.
16. Even accounting for the importance that the Framework places on the need for high quality mobile communications, I am not satisfied that sufficient evidence has been submitted to either justify the granting of a second temporary permission to allow retention of the development, or to grant a permanent permission.

Conclusion

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

L C Hughes

INSPECTOR