



Appeal Decision

Site visit made on 15 October 2024

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2024

Appeal Ref: APP/Q4245/W/22/3299899

Land adjacent to Marsland Road, Sale M33 3NW

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Hutchison 3G (UK) Ltd against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 106595/TEL/21.
 - The development proposed is the installation of a new 20m monopole tower, associated radio-equipment housing and ancillary development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions. The provisions of the GPDO require the local authority to assess proposed development solely based on its siting and appearance, taking account of any representations received. My determination of this appeal has been made on the same basis.
3. While the principle of development is established by the GPDO, and its provisions do not require regard to be had to the development plan or the Framework, I have had regard to relevant policies and guidance contained therein in so far as they are a material consideration relevant to matters of siting and appearance.
4. In this regard, the Council's decision notice refers to policies of the Trafford Local Plan Core Strategy, January 2012 (CS). On March 21, 2024, after the appeal was submitted, the Council adopted the Places for Everyone Joint Development Plan Document (the PfE) as part of their Development Plan. The Council's Statement of Case confirms that Policy JP-P1 of the PfE has partly superseded Policy L7 of the CS and Policy JP-P2 has partly superseded Policy R1 of the CS. Also of note is Policy JP-C2, Digital Connectivity. The appellant has had an opportunity to comment on the PfE through the appeal process and I am satisfied no party would be prejudiced by my taking it into account insofar as it is relevant to the appeal.

5. Also subsequent to the Council issuing its decision, the revised National Planning Policy Framework (the Framework) was published in December 2023. Both parties, within their respective submissions, had an opportunity to comment on the revised Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
6. The appeal site is located close to two Grade II listed buildings. As a result, I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. One of these buildings, a public house, is referred to in the Council's decision notice as The Moorfield. However, I note from my site visit that this building is now called The Sale. For the avoidance of doubt, as this is the most up to date name of the property, I have used it in my decision.

Main Issues

7. The main issues are:
 - The effect of the siting and appearance of the proposed development on the character and appearance of the area;
 - Whether the siting and appearance of the proposed development would preserve the setting of the Grade II Listed Buildings, The Sale and Sale Old Hall Dovecote, or Walkden Gardens, a non-designated heritage asset; and,
 - If any harm would occur, whether this is outweighed by the need for the development to be sited as proposed, taking into account any suitable alternative sites.

Reasons

Character and appearance

8. The appeal site is located between trees on a grass verge alongside Marsland Road. It sits close to the junction of Marsland Road with Derbyshire Road, opposite The Sale, and adjacent to a public park known as Walkden Gardens. The surrounding area is predominantly residential in character.
9. Derbyshire Road and the north side of Marsland Road are tree-lined streets set against the backdrop of the densely vegetated Walkden Gardens. The open space created by Walkden Gardens, which contains a Grade II listed dovecote, is an important feature in the area and contributes positively to the verdant character of the immediate area.
10. The trees within Walkden Gardens and along Marsland Road would provide some screening of the proposed monopole and the boundary hedge and railings along the edge of the park would act as a low-level backdrop to the equipment cabins. Nevertheless, the monopole would be taller than surrounding trees and the bulky headframe would be visible above the adjacent tree canopies. This would be particularly evident when viewed in the skyline from the nearby roundabout junction at Marsland Road/Derbyshire Road/Cromer Road, but predominantly during winter months when there would be no leaves on some trees.

11. Although there are streetlighting columns and wooden telegraph poles in the area, and the proposed column width would be relatively slender and coloured green to harmonise with surrounding vegetation, it would be bulky in comparison to these other roadside features. By virtue of its substantial height and utilitarian design, featuring additional antenna clutter at the top, the monopole would appear as a conspicuous and discordant feature within the immediate surrounding area.
12. Given the number of trees adjacent to the site's northern boundary and within Walkden Gardens, views of the monopole from the wider area would either not be possible, or significantly screened. This means that any adverse effects would be limited to the immediate vicinity of the site, rather than leading to an erosion of the wider area's character.
13. The proposed cabinets would be typical of the form of structures seen on roadsides. While numerous, due to the width of the grass verge, their low height and juxtaposition between trees and against the backdrop of the hedge, they would not appear as unduly harmful features or create undue visual clutter.
14. Nevertheless, my overall finding is that, on balance, the proposal would detract from the positive qualities of this part of Marsland Road and would, as a result, harm the character and appearance of the area.
15. Insofar as they are relevant to siting and appearance, the proposal would conflict with Policy L7 of the CS and Policy JP-P1 of the PfE which both require, amongst other things, that development is appropriate in its context and is of high-quality design. It would also conflict with guidance in the Framework, which aims to ensure development is sympathetic to local character.

Heritage Assets

The Sale

16. The Sale, 131 Marsland Road, is an imposing building set back from the corner of Cromer Road and Marsland Road behind an outdoor seating area. It is opposite the appeal site. From the details available to me, including the list description provided by the Council (Ref. 1393422), the building has been formerly known as Sale Hotel and The Moorfield. It was architecturally designed and built in 1878. The building was associated with, and formed part of, the former Sale Botanic Gardens and a Pleasure Ground, both of which no longer exist and been replaced with residential development. Nevertheless, its history provides evidence of the building's contribution to Victorian leisure developments.
17. The Sale incorporates a striking corner octagonal tower which is taller than other surrounding built form, thereby emphasising the building's dominant presence in the area and the wealth of its owners. Despite its urban location, the building is visibly separated from surrounding buildings due to its corner location at the junction of Marsland Road and Cromer Road, a large car park at the rear and Walkden Gardens opposite.
18. Very limited information has been provided with the appeal documentation in relation to the significance of the listed building. However, on the basis of what is before me and what I saw at my visit, I conclude that there is historic and aesthetic significance arising from its relatively intact and imposing external

appearance. There is also significance arising from its associative value derived from its links with former areas used for Victorian leisure purposes. The car park to the rear provides an uninterrupted aspect from which the building is viewed from Cromer Road. This, and the tree lined Marsland Road and wooded Walkden Gardens opposite make an important contribution to its setting.

19. The proposal would intrude into that relatively verdant spaciousness and there would be a loss of some localised character. I recognise that the abundance of mature trees within the area results in a taller monopole being required in order to ensure optimum coverage in the area. Therefore, the height of the installation is as short as it can be in this location. Nevertheless, views of The Sale when taken from various approaches, but particularly along Marsland Road, would be directly interrupted by the tall utilitarian monopole above and between the trees. The proposed monopole, together with its bulky headframe, would visually compete with the tower of The Sale which would result in some loss of the setting within which The Sale is experienced.
20. Due to the height and proximity of trees immediately adjacent to the appeal site, I conclude that the proposal would have a moderate adverse impact on the listed building's overall significance.

Sale Old Hall Dovecote

21. Sale Old Hall Dovecote is an octagonal Flemish bond brick dovecote with stone dressings and slate roof. It includes two doorways and four gabled, painted timber bird entries. The Dovecote is located within Walkden Gardens, close to the boundary with Marsland Road. It is visible from this road through a decorative metal gateway, although access to it is obtained from the main entrance to the Gardens off Derbyshire Road. The listing description (Ref: 1356529) indicates that it was the only remaining building on the site of Sale Old Hall and was relocated to Walkden Gardens in 2003.
22. Walkden Gardens is bordered by dense vegetation and offers an oasis of serenity and greenspace within the urban area which, from the evidence before me, is greatly valued to local residents and visitors alike. Leafy parkland surroundings is important for an understanding and appreciation of the Dovecote as it similarly formed part of the estate grounds of Sale Old Hall. On the above basis, I consider the significance of the listed building to be derived from its architectural qualities illustrating Dovecote building techniques, and its spatial relationship with the Walkden Gardens complex. The verdant and landscape-designed context of the park makes a highly positive contribution to the setting of the Dovecote that continues to inform the understanding of the listed building. Moreover, the Dovecote provides a focal point within the Gardens which forms part of its wider charm and character.
23. The proposed development would be located close to the south of the Dovecote. Intervening trees, park railings and a boundary hedgerow would ensure that only the uppermost part of the proposed monopole would be visible within the Dovecote's setting. Nevertheless, the upper part of the monopole would include a GPS module and antennae. Although these would be relatively compact, they would be clearly visible when glimpsed from the gardens surrounding the Dovecote, in gaps between and above the trees and against the skyline. The monopole would have a negative urbanising impact in proximity to the listed building. Overall I find the height and functional appearance of the monopole would harm the factors that contribute to the

setting of this listed building and would have a minor to moderate adverse effect on its significance.

Walkden Gardens

24. Walkden Gardens, as set out above, is an urban park that contains an abundance of trees and individually landscaped parcels of open space linked by surfaced and grass paths. The Council's claim that it is a non-designated heritage asset (NDHA) has not been substantiated. Nevertheless, paragraph 40 of the Planning Practice Guidance (PPG) identifies that there are a number of processes through which NDHAs may be identified but irrespective of how they are identified, it is important that the decisions to identify them as NDHAs are based on sound evidence.
25. While it is important that all NDHAs are clearly identified as such and it can be helpful if local planning authorities keep a local list of NDHAs, the PPG also advises that in some cases, local planning authorities may also identify NDHAs as part of the decision-making process on planning applications.
26. Although Walkden Gardens is not included on a national or local list of Registered Parks and Gardens, in light of the advice provided in the PPG, I consider that the Council were entitled to identify the park as being a NDHA as part of the decision-making process on the planning application. The Appellant has not disputed this matter. From the evidence, the botanical-inspired gardens, its locational association with the former Pleasure Gardens and Sale Botanic Gardens, and the presence of the listed Sale Old Hall Dovecote, result in a moderate level of significance meriting NDHA status.
27. As I have set out above, the special interest of Walkden Gardens is the landscape-designed greenspace and its nod to the former botanic gardens. The Gardens are screened from the wider area by a belt of trees and vegetation along the boundaries so that limited views of urban features such as buildings and street lights are obtained. Thus, its distinctive quality is the sense of enclosure and tranquillity that is experienced from within the confines of the Gardens, away from the surrounding urban environment. Although the appeal site is not located within Walkden Gardens, the adjacent tree-lined Marsland Road contributes to its verdant setting. The upper part of the proposed monopole would visibly protrude above the height of the surrounding trees and because of its functional and urbanising appearance, it would detract from the setting and significance of the Gardens.
28. Given the intervening trees and that only part of the monopole would be visible, in the context of the site and its surroundings, I find there would be limited harm to the significance of the NDHA.

Heritage conclusion

29. For the reasons given above, I find that the appeal site has a value in the contribution it makes to the significance of the listed buildings, The Sale and Sale Old Hall Dovecote. It also contributes to the setting of the NDHA, Walkden Gardens. There is inevitably a differential level of harm that would be caused as a result of the proposed development within the settings of the different heritage assets and thus to their significance, as I have set out above. In terms of the listed buildings, in this instance, I consider the harm to be less than substantial within the terms of the Framework.

30. In relation to the NDHA, Paragraph 209 of the Framework advises that where applications directly or indirectly affect NDHAs, a balanced judgement will be required to the scale of any harm or loss and the significance of the heritage asset. I have found that the proposal would result in limited harm to the significance of the NDHA and will return to my balanced judgment on this matter in the overall planning balance below.

Alternative Sites

31. The Framework supports the development of a high-quality reliable communication infrastructure as this is deemed to be essential for economic growth and social well-being. Nonetheless, it requires sites to be kept to a minimum and encourages the reuse and adaption of existing base stations. Paragraph 121c) of the Framework expects evidence to be submitted to justify all applications. For a new mast or base station this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
32. The submission details how the proposal is required to ensure continuous coverage for the area because of a requirement to remove an existing mast. However, no information has been provided to identify the mast to be removed, nor is there any cell coverage data or mapping. The appellant asserts that the target search area has a radius of approximately 100 metres centred over Marsland Road. This is a relatively lengthy road and thus it is not clear which specific location along it would be the central search area. In the absence of such information, I cannot establish what the cell areas are, what the 'optimal' area is, or in short whether the appellant's position in this respect amounts to anything more than assertion.
33. Furthermore, while the appellant states that site sharing or installing equipment on an existing building has been discounted, there is no evidence of this. Indeed, I note the Council's assertion that a telecommunications mast on Northenden Road in Sale Moor, within a similar search area, has recently been granted prior approval¹. I have been presented with no evidence that the potential for mast sharing with that installation has been explored.
34. The appellant has, however, provided a list of eight alternative sites considered suitable for ground-based equipment in the area. Four of these sites have been discounted on the basis of either being on pavements that would be too narrow or include underground services, overhead lines or tall trees. The other four have also been discounted for these reasons as well as their proximity to a school or houses. However, on the basis of the appellant's very short and uncorroborated explanations of reasons for discounting sites, I cannot interrogate whether the conclusions reached in respect of these alternative sites are robust.
35. When noting the visual sensitivities that would apply to a 20m high installation within proximity to designated heritage assets, it is reasonable to require clear and comprehensive supporting evidence.
36. On the evidence before me therefore, I find that the site selection process has not been carried out with sufficient rigour or robustness to enable me to

¹ Appeal Ref: APP/Q4245/W/21/3287292

ascertain that there are no realistic opportunities to erect an installation in a different location where its siting and appearance would be less harmful.

Planning and Heritage Balance

37. The proposal would, as a result of its siting and appearance, harm the character and appearance of the area and the setting of listed buildings. Paragraph 206 of the Framework sets out how 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. Less than substantial harm is not synonymous with a less than important planning consideration.
38. In these circumstances, paragraph 208 of the Framework requires such harm to be weighed against the public benefits of the proposal.
39. As set out at paragraph 118 of the Framework, advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and, in this regard, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The appellant has highlighted the economic, social, sustainability, environmental, health and educational benefits associated with the proposal. I recognise the scheme would be in line with Government aspirations in this context and would support high quality communications and digital connectivity by offering 5G services.
40. Nevertheless, while acknowledging these benefits exist, they have effectively been recognised by the grant of permitted development rights in the GPDO. Hence, they do not carry additional weight when considering matters of siting and appearance as part of the prior approval process.
41. Furthermore, given the limitations of the appellant's assessment of alternative sites, which I have identified above, it has not been satisfactorily demonstrated that the same benefits could not be provided on a less harmful alternative site.
42. Whilst the Framework advises that planning decisions should support the expansion of electronic communications networks, it also requires that great weight should be given to the conservation of heritage assets².
43. In this instance I find the public benefits of the proposed installation would not outweigh the less than substantial harm that I have identified to the significance of the designated heritage assets or the harm to the character and appearance of the area and the NDHA.
44. Consequently, the harm arising from the siting and appearance of the appeal scheme is such that it would outweigh the need for it to be sited as proposed, taking into account any suitable alternatives.

Conclusion

45. For the above reasons the proposal would be unacceptable in respect of siting and appearance. Insofar as relevant to matters of siting and appearance, the proposal would conflict with the Act, relevant provisions of paragraphs 119, 195, 205 and 206 of the Framework and relevant elements of Policy L7 of the CS and Policies JP-P1 and JP-P2 of the PfE. Collectively these, amongst

² Paragraph 205 of the Framework

other things, seek to ensure that development conserves the historic environment and respects the character of the locality.

46. Having taken account of all relevant material considerations and evidence before me, I therefore conclude that the appeal should be dismissed.

A Veevers

INSPECTOR