



Appeal Decision

Site visit made on 16 January 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 February 2025

Appeal Ref: APP/Y2003/W/24/3353537

Belwood Farm, Land North of Rushcarr Drain, Belton, Scunthorpe DN9 1QW

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Atlas Tower Group against the decision of North Lincolnshire Council.
 - The application Ref is PA/2024/186.
 - The development proposed is described as: installation of a 25m lattice tower, 6 no. antenna apertures, 4 no. 600mm microwave transmission dishes and 7 no. equipment cabinets inside an 8m x 8m compound enclosed by a 2.1m high palisade fence with gate and development ancillary thereto.
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Decision

1. The appeal is allowed and planning permission is granted for installation of a 25m lattice tower, 6 no. antenna apertures, 4 no. 600mm microwave transmission dishes and 7 no. equipment cabinets inside an 8m x 8m compound enclosed by a 2.1m high palisade fence with gate and development ancillary thereto at Belwood Farm, Land North of Rushcarr Drain, Belton, Scunthorpe DN9 1QW in accordance with the terms of the application, Ref PA/2024/186, and the plans submitted with it including drawing numbers:
 - DN17-03_M001_GA_A ISSUE A (Site Location Plan)
 - DN17-03_M001_GA_A ISSUE A (215 Max Configuration Site Plan)
 - DN17-03_M001_GA_A ISSUE A (265 Max Configuration Elevation A)

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published in December 2024. I have taken the revised Framework into account as part of the determination of this appeal.
3. The reason for refusal given in the decision notice states that it is the view of the Council that the appellant has failed to provide a robust assessment of alternative site selection for the proposal. The principle of development is established by 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), the GPDO requires the Local Planning Authority to assess the proposal solely based on its siting and appearance, taking into account representations received.
4. In following the requirements of the GPDO, an assessment of alternative sites must be undertaken if harm is found to the siting and appearance of the proposal. Therefore, despite the reason for refusal, I am mindful that in coming to this view and through the following of the evidence, that the Council have found harm to the siting and

appearance of the proposal against the rural and historic Isle of Axholme Area of Special Historic Landscape Interest. This is therefore reflected in my wording of the main issues. My determination of this appeal has therefore been made on this basis.

5. Through the submission of the appeal, the appellant has submitted further information to support their case in response to the reason for refusal and the representation received. It is suggested that this tantamount to the introduction of new material. The Council and interested parties have been provided with the opportunity to respond to this evidence during the appeal stage. As such, I am satisfied that the Council, and any interested party have not been prejudiced by the submission of this evidence. Therefore, I have accepted this evidence and had regard to it in my assessment of this case.

Main Issues

6. It is sought to erect a 25m high lattice tower with associated antenna apertures, transmission dishes and additional equipment cabinets (the mast). The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. The Council have not made an assessment of the proposed development against their development plan. I have therefore had regard to the Framework only in so far as it is a material consideration. The Framework includes a section on supporting high quality communications.
7. The main issues are:
 - the effect of the siting and appearance of the mast on the character and appearance of the area, with particular regard to the non-designated heritage asset of Isle of Axholme Area of Special Historic Landscape Interest; and,
 - if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed, taking into account an assessment of any suitable alternative sites.

Reasons

Siting and appearance

8. The appeal site is within the Isle of Axholme Area of Special Historic Landscape. The mast and its associated apparatus would be situated within Riverside Ancient Open Strip Fields which form part of the most significant historic character zone in the Isle of Axholme Area of Special Historic Landscape Interest. This is a non-designated heritage asset. The Framework requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
9. The significance of the Isle of Axholme Area of Special Historic Landscape Interest is largely derived from its range of fields which reflect the last examples of open-field cultivation. This was a system used by agricultural communities in pre-20th century Northern Europe where areas of land were communally managed. This particular example has persisted since medieval times. Means of enclosure are not evident in the landscape, with the main boundary defining features made in the form of drainage ditches which are not immediately evident until viewed at a close distance. The

enclosure of the open fields has been resisted, and the communal arrangements of the land for farming has continued through to the present day.

10. The appeal site and that of the surrounding area is characteristically flat. The mast and its associated apparatus would be sited near to the south of the M180 motorway. Whilst this motorway is raised on an embankment, this is not particularly high at the closest point to the appeal site and therefore the mast would stand above the M180. The mast would also be taller than the adjacent trees located close by. With further regard to its proposed sited location, the compound to which the mast and its associated apparatus would be housed would be towards the end of the host field, not its centre. This location is close to a pump house which is connected to Rushcarr Drain. This field tapers inward due to the position of Rushcarr Drain, the M180 motorway and a collection of trees immediately to the east. As such, this area is not immediately as open, when compared to the other fields which form part of the Isle of Axholme Area of Special Historic Landscape Interest.
11. When viewed in isolation, the mast would be taller than its immediate surroundings. There would be little to conceal the mast, its apparatus, fencing and cabinets owing to its overall height against the flat topography of the wider surroundings. However, this motorway embankment rises towards the east and forms a large motorway bridge. This is a strong and grand infrastructure feature in the landscape. When viewed from the appeal site, the M180 motorway bridge spans the River Trent and is of a significant height and hosts apparatus such as tall fencing and wide columns, which contribute to its apparent height in the flat landscape.
12. Other developments are also visible across the landscape which include residential properties, farm buildings, a church, electricity pylons, motorway infrastructure, water pump houses and wind turbines. As such, the wider landscape includes infrastructure development which is also large in height and overall size. I note that the wind turbines and electricity pylons visible in the landscape are either located closely to or span across the motorway. As such, I am not of the view that the proposed mast would appear alien or unexpected when viewed in this context, either from the motorway, neighbouring settlements or the surrounding fields. Situated in this location, the mast would appear as a further addition to the large number of infrastructure related developments which are highly visible across the North Lincolnshire countryside.
13. Having regard to the Isle of Axholme Area of Special Historic Landscape Interest, due to the location of the proposal of the mast and its associated apparatus against the backdrop of other significant modern infrastructure, the mast would not immediately appear alien with this non-designated heritage asset. Furthermore, it is noted that the immediate location is different to that of the open and large fields which make up its significance. This is due to its reduction in size which is different to that of the wide fields visible across the landscape. This tapered area of land hosts other infrastructure service provision in the form of a pump house and is adjacent to the motorway. As such, having had regard to my duty set out in Paragraph 216 of the Framework in undertaking a balanced judgement, I find that the proposal would not have an unacceptable effect on the significance of the non-designated heritage asset.
14. In conclusion, the proposal would not appear alien or overtly visually intrusive in these surroundings. Its siting and appearance would not cause harm to the character and appearance of the area or have an unacceptable effect on the significance of the non-designated heritage asset. The proposal would therefore comply with the

requirements of the Framework for supporting high quality communications whilst achieving well-designed places. Consequently, I consider that the siting and appearance of the proposal would be acceptable.

Alternative sites

15. The Council and an interested party have suggested that other sites have not been considered to their full potential and should be further explored. They have inferred that electricity pylons, which are visible throughout the area, are capable of being used for the deployment of telecommunication equipment. Therefore, it is asserted that the appellant has failed to appropriately consider the use of these pylons.
16. Paragraph 122 (c) of the Framework states that for a new mast or base station, the applicant should explore the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met. There is some evidence in the original submission documents that the appellant explored the use of other sites, including the use of a pylon. An International Commission on Non-Ionizing Radiation Protection (ICNIRP) certificate has also been provided by the appellant.
17. Although the evidence provided in the initial prior approval application was not particularly detailed, there is no requirement in the Framework which suggests the level of evidence which must be submitted in an application such as this. Nevertheless, as I have not found an unacceptable harm to the siting and appearance to the proposal in this location, it is not necessary to consider the detailed merits or level of evidence related to the consideration of any potential alternative site or the possibility of erecting the proposal on an existing building, mast, or other structure. Therefore, there is no requirement for me to consider other sites any further.

Conditions

18. Any planning permission granted for a 25m high lattice tower and its associated apparatus under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin no later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must 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

19. For the reasons given above, I conclude that the appeal is allowed and prior approval is granted.

J Smith

INSPECTOR