



Appeal Decision

Site visit made on 30 January 2025

by **R Major BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/Q4245/W/24/3351854

Manor Avenue, Trafford, Greater Manchester M33 4NP

- 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 EE Ltd against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 113703/TEL/24.
 - The development proposed is installation of 1No. 15m 'Phase 5' monopole, 3No. antennas, 2No. 0.3m dishes, 1No. GPS Node and 3No. ground-based equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

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. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Therefore, in this instance, it has not been necessary to consult the main parties on the amendments to the Framework.

Planning Policy

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 Policy JP-P1 of the Places for Everyone Joint Development Plan (PfE) (2024), which I am referred to and have been provided with, only in so far as it is a material consideration relevant to matters of siting and appearance.

Main Issues

5. 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

Character and appearance

6. The appeal relates to a section of grass on the edge of an existing playing field, located on the western side of Manor Avenue. To the east of the site is a hedgerow and linear row of mature trees which separate this playing field from the main highway of Manor Avenue.
7. On the opposite side of this highway is a grass verge, which also includes trees, and beyond this is another section of highway that serves the dwellings on Manor Avenue. The front elevations of these properties on Manor Avenue face towards the playing field and the appeal site.
8. To the south of the appeal site, and within the same section of grassed land on the edge of the playing field, is an existing telecommunications mast, with associated cabinets. Further to the south, although not within land that forms part of the playing field, is another telecommunications mast, with associated cabinets, on the grass verge where The Avenue meets Manor Avenue.
9. The character of this area is defined by single and two-storey residential properties with front driveway and garden areas. The existing mature street trees, grass verges and playing field all contribute to the pleasant verdant character and appearance of the surrounding area. Other existing street furniture within the vicinity of the site includes standard lighting columns, telegraph poles and road signage.
10. The proposed mast would be sited on the edge of the playing field, directly in line with the front elevation of the dwelling at No. 259 Manor Avenue (No. 259). It would be located in a gap between existing trees along the boundary of the playing field and therefore would be prominently viewed from the front of No.259.
11. I acknowledge the mast may benefit from some screening by trees when viewed from some properties on Manor Avenue, as well as from sections of this public highway. However, these trees would not fully obscure the mast from all properties and viewpoints along Manor Avenue, especially in the winter months when these trees are more permeable to views. Moreover, the mast would be readily visible from various other locations within the surrounding locality, including the vast open area of the playing field itself and the highway of Firs Way which runs to the north of the playing field.
12. From these locations the proposed mast, as a result of its significant height, its siting and utilitarian appearance, would form a conspicuous and dominant feature. The visual impact is only exacerbated by the open nature of the adjoining playing field directly to the west which would afford long and uninterrupted views of the full height of the mast.
13. Furthermore, the provision of the mast in such close proximity to the existing mast directly to the south would result in visual clutter on this area of open space. The proposed and existing masts would be seen together and their height above the tree line, buildings and other items of street furniture, would draw further attention to these items and result in a significantly dominating affect beyond that caused by the existing mast.

14. The visual impact and cluttered appearance are only further exacerbated by the proximity of yet another mast at the junction of Manor Avenue and The Avenue. I observed on site that the top section of this mast at The Avenue is clearly visible above the tree line when viewed from within the playing field and the highway of Firs Way to the north.
15. As such, the existing mast on the playing field; the existing mast at the junction of The Avenue; and the proposed mast would together all be prominently visible from these public viewpoints. The introduction of a third telecommunications mast would therefore result in an excessive number of dominant and towering features within a confined area of this green and pleasant residential setting, resulting in very significant visual harm.
16. Given the cumulative visual harm I have identified that would arise from the proximity of the existing and proposed masts in this location, I am not persuaded by the appellant's argument that spreading the equipment out would have a more detrimental impact than keeping them within close proximity to each other.
17. Furthermore, I acknowledge the proposed mast height has been reduced from that of a previous proposal¹ at the appeal site. However, even at a reduced height, I find that very significant harm to the character of the area would arise from the proposal.
18. For the reasons given, I conclude that the siting and appearance of the proposal would result in unacceptable harm to the character and appearance of the area. So far as material to the proposal, there would be conflict with PfE Policy JP-P1, where it requires, among other things, that development respects and acknowledges the character and identity of the locality in terms of design, siting, size and scale. The proposal would also conflict with paragraph 120 of the Framework, where it requires equipment on new sites to be sympathetically designed.

Alternative sites

19. Paragraph 122 of the Framework advises that applications should be supported by the necessary evidence to justify the proposed development. 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.
20. I have had regard to evidence submitted in respect of the site selection process, including the information which precludes upgrading existing masts or site sharing. A total of 25no. alternative sites were reviewed and discounted by the appellant within the large search area, including sites on buildings and on the ground.
21. A number of sites were discounted due to proximity to residential properties and schools, the unsuitable width of the pavement, limited screening, insufficient building heights and being outside the search area.
22. Nevertheless, I note that only two alternative sites (D16 and D17) have been considered along the lengthy highway of Firs Way. D16 was discounted on the grounds that there is limited screening from adjacent residential properties which are closer than the appeal proposal.

¹ LPA Ref: 113122/TEL/24

23. However, I observed on site that there were a number of areas of vacant grassland on the northern and western side of Firs Way, including areas around existing bus shelters. These areas of grass are situated on the opposite side of the road to residential dwellings, with various intervening trees, and are screened on the other side by many mature trees. Moreover, I also noted there were areas of vacant grassland on the northern and western side of Firs Way which were not directly opposite residential properties. As such, on the information before me it is unclear why additional alternative sites have not been considered and reviewed along this side of Firs Way.
24. Alternative site D17 relates to the rooftop of the Firs Way Health Centre and was discounted on the grounds that the roof is not high enough. However, limited information has been provided in respect of the height of the highest part of the Health Centre roof.
25. Furthermore, I noted that outside the health centre there is a grassed verge which separates the pedestrian footway from the vehicular highway. There are sections of this grassed verge which are not directly opposite residential properties, including the section opposite the junction of Firtree Avenue. Additionally, this grassed verge includes existing vertical items of street furniture such as CCTV and street lighting columns. It is unexplained why this grass verge has not been considered and reviewed.
26. I note that a number of alternative sites have been considered along Washway Road and of these alternative sites D20 is located near to a car sales garage and the LifeCentre. This part of the Washway Road has a more mixed-use character, consisting of both residential and commercial uses, and the highway of Washway Road is both busy and wide, consisting of four lanes. Site D20 was however discounted due to concerns about services in the area, the impact on visibility splays and being opposite residential properties that suffer from a lack of screening.
27. Limited information has been provided in respect of the appellant's concern about services in this area and it is unclear which visibility splay would be affected. With regard to a lack of screening for residential properties, I observed a number of the properties on the opposite side of the wide and busy highway have mature trees and vegetation within their front garden and yard areas which could potentially provide screening. Given the more commercial character and appearance of this area, in comparison to the appeal site, from the evidence submitted it is unclear why this site has been discounted in favour of the appeal site.
28. Overall, the evidence before me is limited as to the extent at which several of these alternative sites were considered before being discounted. In addition, my observations on site were that a number of areas in and around the alternative sites at D16, D17 and D20, as well as additional locations along Firs Way, which have similar or potentially more favourable characteristics than the appeal site, have not been considered.
29. In view of the above, based on the evidence before me and my own observations on site, I do not find the search and assessment of alternative sites to be sufficiently robust, or that the identified need for the mast could only be met at the appeal site.

Other Matters

30. The appellant makes reference to a number of allowed appeal decisions² involving telecommunication equipment, within which the respective Inspectors concluded that the public benefits outweighed the harm to the character and appearance of the area. However, I do not have full details of these other appeal proposals to understand whether they are directly comparable to the appeal scheme before me. Furthermore, each proposal must be considered on its own merits, including the site-specific circumstances and the submitted evidence. Consequently, these decisions do not alter my conclusions on the appeal proposal.

Planning Balance and Conclusion

31. For the reasons given above, the siting and appearance of the proposal would cause unacceptable harm to the character and appearance of the area. I afford very significant weight to this harm.
32. The Framework clearly expresses the Government's support for the expansion of advance telecommunication networks and the considerable social, environmental and economic benefits of the installation have been highlighted by the appellant. These include the improved capacity and coverage of 2G, 3G, 4G and 5G services in the area, which would benefit nearby commercial and residential properties, as well as the ability to provide coverage for the new Emergency Services Network. The proposal would therefore help address the national and local need for this type of telecommunication infrastructure.
33. I therefore acknowledge there is a need for additional mobile telecommunications infrastructure in the area and that the proposal would deliver tangible benefits. However, it has not been satisfactorily demonstrated that the appeal site is the least harmful location for a new mast and the lack of clear evidence demonstrating that there are no other suitable alternative sites available is an important factor in this case.
34. Overall, I find that the benefits identified would not outweigh the very significant harm to the character and appearance of the area that would be caused by the siting and appearance of the proposal. Therefore, prior approval should not be given and the appeal is dismissed.

R Major

INSPECTOR

² APP/L1765/W/18/3197522; APP/J4423/W/21/3268791; APP/X5990/W/3162918 and APP/Q3305/W/18/3206555