



Appeal Decision

Site visit made on 4 February 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/X1355/W/24/3356291

Grass verge adjacent to Greenwell Road, Newton Aycliffe, Great Aycliffe

DL5 4DH

- 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 MBNL against the decision of Durham County Council.
 - The application Ref is DM/24/01570/TEL.
 - The development proposed is described as the installation of a 20m phase 7.2 street works pole and wrap around cabinet with 3 No ancillary equipment cabinets, 2 No dishes, 9 No antennas, 2 No GPS nodes and ancillary equipment.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of a 20 metre (m) phase 7.2 street works pole and wrap around cabinet with 3 No ancillary equipment cabinets, 2 No dishes, 9 No antennas, 2 No GPS nodes and ancillary equipment at grass verge adjacent to Greenwell Road, Newton Aycliffe, Great Aycliffe DL5 4DH in accordance with the terms of the application, Ref DM/24/01570/TEL, and the plans submitted with it including 002 Site Location Plan, 215 Max Configuration Site Plan and 265 Max Configuration Elevation.

Preliminary Matter

2. The description of development has been taken from the decision notice, removing wording that is not acts of development, as there was no description provided on the application form.

Procedural Matters

3. The provisions of the above legislation require the Council 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, having regard to the development plan and National Planning Policy Framework (the Framework) as material considerations in so far as they are relevant to the matters of siting and appearance.

Main Issue

4. The main issue is 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

5. The appeal site is located on Greenwell Road. It is part of a grass verge in between the road and the footpath. There is another thinner grass verge next to the footpath in front of an area of hardstanding associated with commercial premises. The mixed-use area has a relatively open character, created by the generous set back of the buildings from the road, which has a landscape quality, owing to the greenery of the grass verges.
6. There are a range of vertical features nearby to the site, including street lights, road signs and a large 'Tesco Extra' sign on top of a building. The proposal's scale would be mitigated to some extent by its slim design and relatively slender apertures and the mast is said to be the minimum height required to ensure the benefits of 4G and 5G technologies. However, at 20 meters to the top of the tower it would be noticeably taller than existing vertical features. The relatively limited amount of existing street furniture and the open character of the area means that the proposal would not result in an overwhelming and unsightly cluster of unrelated structures. In views from Greenwell Road and Central Avenue, the proposal's height would, nevertheless, be conspicuous.
7. The nature of the surrounding urban environment is primarily of short-range views in the street scape. As such, while visible, the mast would not be a dominant feature in any long-range or important views and vistas. Therefore, any harm would be relatively localised. For those inside the commercial premises and using the outside seating area the height and width of the cabinets would appear large in the context of the generally pedestrian scale of other nearby features. In the most obvious views from passing vehicles and pedestrians however they would be principally seen against the backdrop of commercial premises and in this way would not be particularly dominant or intrusive.
8. Accordingly, the siting and appearance of the proposal would cause some harm to the character and appearance of the area, to which I ascribe moderate weight, and the proposed installation would be in conflict with Policies 6 and 29 of the County Durham Plan (2020) (CDP). Amongst other things, these policies seek development that is appropriate in scale and does not result in the loss of open land that contributes positively to the character of the locality.
9. The Framework supports the development of a high-quality reliable communications infrastructure which 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. Framework Paragraph 122c) expects evidence to be submitted to justify all applications. For a new mast or base station this includes evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored. This approach is also reflected in CDP Policy 27.
10. The appellant has appropriately followed the sequential approach in relation to suitable alternative sites for the proposed development. A free-standing installation was considered most appropriate following the examination of the mast data register which is said to have not identified any suitable existing masts or site sharing that could provide replacement coverage. There is no substantive evidence that an existing mast on Central Avenue would be suitable for site sharing. As such, the proposal would meet the provisions of CDP Policy 27 for

new sites, which are required to fully explore and demonstrate that the use of existing sites in the area are not feasible.

11. The search area for the proposed site is small due to the operational requirements and predominantly comprises commercial and residential development with limited availability of land. Sixteen alternative locations have been assessed and discounted by the appellant with reasonable justification which includes reasons such as their location proximate to dwellings, unsuitable pavement widths, narrow grass verges and highway concerns. Several rooftop locations on existing buildings were explored for an antenna, however owing to operational constraints including weight loading and 24-hour access none were considered suitable.
12. The need for the appeal scheme has arisen after the appellant received a Notice to Quit at the existing site at the fire station. It is explained that the space taken up by the ground-based cabinets associated with the existing antenna is required for a training area to accommodate the needs of the fire station. As such, while the Council suggest that the antenna could remain at the fire station and be moved on top of the new training tower recently granted permission, it would not be possible to accommodate the required ground cabinets as part of the redevelopment of the fire station without compromising health and safety.
13. The car park associated with the commercial premises adjacent to the appeal site is suggested as an alternative location for the proposal. However, it is difficult to see how the proposal could be accommodated in the small car park without the loss of a number of parking spaces. Although the reasons for discounting alternative sites are expressed in broad terms, overall, I am satisfied that there are no suitable alternative sites to provide the network coverage and capacity requirements in this area. As such, the appellant has satisfactorily demonstrated that the proposed development is needed at this location, taking into account any suitable alternatives.
14. I acknowledge the various potential economic and social public benefits highlighted by the appellant. In addition, the absence of a suitable alternative site and the need for the installation to be sited as proposed weighs in favour of the scheme. In weighing the harm against the benefits and the need for the installation to be sited as proposed, I conclude that the benefits would outweigh the moderate harm that would be caused to the character and appearance of the area. Consequently, the proposal would accord with CDP Policy 27 which, amongst other things, requires that the benefits of a new telecommunication mast are demonstrated to outweigh any adverse negative effects.

Conditions

15. Any planning permission granted for the development 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 not 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

16. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

F Harrison

INSPECTOR