



Appeal Decision

Site visit made on 11 February 2025

by **N Kempton BAHons PGDip MA IHBC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th March 2025

Appeal Ref: APP/U2750/W/24/3355744

CS30675600 (22546) Streetworks on East Road, Northallerton, North Yorkshire DL6 1NU

- 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 Cornerstone against the decision of North Yorkshire Council.
 - The application Ref is ZB24/00933/TCC.
 - The development proposed is the installation of a 17.5m streetworks monopole supporting 6 no. antennas, 2 no. 0.3m dishes and ancillary equipment, the installation of 3 no. equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a 17.5m streetworks monopole supporting 6 no. antennas, 2 no. 0.3m dishes and ancillary equipment, the installation of 3 no. equipment cabinets and development ancillary thereto at CS30675600 (22546) Streetworks on East Road, Northallerton, DL6 1NU in accordance with the terms of the application, ref ZB24/00933/TCC, and the details submitted with it.

Preliminary Matters

2. The above Order permits the installation of the proposed mast, subject to the condition that, before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development. The decision notice does not explicitly state that prior approval is required but this is implicit in the Council's decision to refuse prior approval.
3. The Council has referred to a number of development plan policies in its decision notice. However, the principle of development is established by the General Permitted Development (England) Order 2015 (as amended) (GPDO) and the provisions of Schedule 2, Part 16, Class A of the GPDO. There is no statutory requirement to determine applications for prior approval in accordance with the development plan, so the primary basis for my assessment is the Order itself. I have, however, had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
4. In December 2024, the Government published a revised National Planning Policy Framework (the Framework). However, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the significance of a designated heritage asset, including its setting; and whether any harm identified 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 site is in a mixed-use area, centrally located within Northallerton. The site is adjacent to The Forum carpark, and next to the Sunbeck Centre, which is a Pupil Referral Unit. Halfords Auto Centre and Dominoes are located opposite the site. To the south of the appeal site is the roundabout with Friarage Street. The appeal site is a section of pavement on the eastern side of East Road.
7. The current base station is a rooftop site at the Working Men's Club, Elder Road, which is shared by two operators. This site is not capable of being upgraded. It will remain in use to serve one of the operators, whilst the second operator requires a new site in close proximity to the existing equipment. The proposed monopole and cabinets would be positioned towards the back of the footway adjacent to the railings delineating the boundary of The Forum carpark, which is elevated at a higher ground level compared with East Road. The proposal is intended to enhance the coverage for the residential area in and around this part of Northallerton.
8. There are numerous items of street furniture nearby, including streetlighting columns, telegraph poles, road signs, electronic cable cabinets, CCTV, and commercial signage. The proposed equipment cabinets would be comparable with others used by infrastructure providers to house electronic equipment in the locality. They would be modest features in the street scene and I am mindful that such cabinets are commonly seen on highway verges, particularly in conjunction with modern telecommunications installations. In this case, the width of the pavement would be sufficient to provide clearance for pedestrians. Overall, I consider the proposed cabinets to be unobjectionable.
9. The open nature of the appeal site means that the proposed mast and antennae would be visible along East Road in both directions. Some screening would be provided on the southern approach by the street trees. However, the mast at 17.5m high would be visible above the trees, even when the trees are in full leaf. The proposed development would be functional in appearance, typical of telecommunications equipment seen in urban areas generally. It would be seen in the context of other vertical structures and street furniture, including streetlighting, signage and CCTV columns. Notwithstanding this, as indicated by the plans, the proposed monopole would be noticeably taller and wider than the streetlighting columns and it would be higher than neighbouring two storey dwellings and buildings. Therefore, due to its height and prominent siting within the footway, the proposal would be readily visible from various points along East Road and across The Forum carpark.

10. For these reasons, I find that the proposed development would cause a degree of harm to the character and appearance of the area, to which I ascribe moderate weight.

Heritage significance

11. The appeal site is in proximity to No.s 2 and 3 East Road, a former coach house, which is a grade II listed building. This designated heritage asset is situated on the opposite side of the road to the appeal site and is adjacent to the roundabout with Friarage Street. Located on a busy arterial route connecting the town centre to the eastern outskirts, the former coach house, which primarily functioned as a building for housing carriages, horses and related equipment used for transportation, is now converted into shops and workshops. The building is integrated into the modern fabric of the town. It is surrounded by a mix of retail and leisure outlets, commercial and residential properties, educational institutions and essential services. No.s 2 and 3 East Road, together with the Sunbeck Centre, a non-designated heritage asset, contribute to the architectural heritage of the townscape.
12. The significance of the former coach house, insofar as relevant to the proposal, is in part due to its former function, reflecting past technologies in transportation and the social aspects related to the main mode of transport for the wealthy and those in positions of authority.
13. By reason of its height, prominence and proximity, the siting of the monopole would intrude into the setting of the designated heritage asset. Whilst the presence of other vertical structures evident along this busy thoroughfare is acknowledged, the proposed development would be obtrusive, to the detriment of the setting and significance of the designated heritage asset.
14. For these reasons, I find that the proposed development would cause less than substantial harm to the significance of the heritage asset, to which I ascribe considerable importance and weight.
15. I have found that the proposed installation, through its siting and appearance, would cause harm to the character and appearance of the area and the setting of the designated heritage asset. Therefore, alternative sites are an important consideration.

Alternative sites

16. The siting of the mast is constrained by the technical requirements of the 5G mobile network. The operator has supplied details of the locations of existing base stations and a plot showing the coverage provided by those sites and the gaps in coverage needing to be filled by new installations. The search area is a localised one, centred on East Road and surrounding streets. This is essentially a circle with a radius of several hundred metres.
17. In accordance with paragraph 122 of the Framework, evidence to justify the proposal has been submitted. The evidence indicates that the existing nearby base station cannot be upgraded for technical reasons, and there are no mast/site sharing opportunities or suitable buildings or other structures within the intended cell area that would be capable of accommodating the proposed installation.

18. The appellant has followed a sequential approach to site selection within this constrained cell search area. I have taken account of the evidence presented on 16 alternative potential locations for the installation, which have been identified within the locality. These sites have been discounted for various reasons, including unsuitable pavement due to space restrictions, insufficient height with equipment not tall enough to clear buildings in the vicinity, unsuitable roof structure to accommodate installation of equipment. As such, these sites are unviable or outside the search area and offer no greater planning merit than the appeal proposal. The reasons for discounting the options are brief, but based on my observations at the site visit, they are convincing.
19. The Council does not express a preference for any of the discounted sites. There is no substantive evidence that challenges the rationale for discounting the alternatives that have been considered and I have no robust evidence before me to suggest that there would be other more suitable sites. No suggestions for an alternative and less prominent design have been proposed.

Planning and Heritage Balance

20. Paragraph 119 of the Framework supports the expansion of electronic communications networks, including next generation technology such as 5G. The benefits of such networks, and of mobile telecommunications in particular, to the economy and social well-being are widely recognised.
21. The importance of digital connectivity is further underlined by the Framework at paragraph 123, which indicates that the need for electronic communication systems should not be questioned when determining applications.
22. In this case, I have identified that there would be a degree of harm to the character and appearance of the area due to the height of the proposed monopole and its prominent siting, which would not assist its assimilation into the site context. However, such installations are becoming more commonplace and I acknowledge that the height of the monopole has been reduced.
23. In the absence of more suitable alternative sites, which weighs strongly in favour of the development, the moderate harm to the character and appearance of the area resulting from the siting and appearance of the proposal would be outweighed by the demonstrable need for the development in this location.
24. I have identified that there would be less than substantial harm to the significance of a designated heritage asset arising from the siting of the proposed installation within the setting of the heritage asset. In accordance with the Framework, I am required to weight such harm against public benefits of the proposal.
25. The proposal to ensure coverage in a small geographical area is part of a wider whole, and the network would be undermined by gaps in coverage. Whilst only users of that particular network would be using the service, these aspects are regarded as 'public' benefits.
26. The proposed development's public benefits, through enhanced digital communications networks attract substantial weight that outweighs the less than substantial harm to the significance of the designated heritage asset and its setting, that I have identified.

27. Having regard to all these matters, none of the alternative options or locations that have been drawn to my attention are obviously more preferable to that put forward by the appellant as the appeal scheme. I therefore conclude that there are no alternative sites available that would not result in equal or worse harm within the constraints imposed by the existing network. The lack of realistic alternative options to deliver improved coverage and capacity is a consideration which weighs strongly in favour of the development, as does the acceptance of telecommunications equipment by the Order.
28. Therefore, on balance, in this case I am satisfied that undertaking the proposed development is justified in order to achieve the economic and social benefits arising from the proposal.

Conditions

29. Any planning permission granted for the installation of telecommunications equipment under Article 3(1) and Schedule 2, Part 16, Class A is subject to standard conditions set out in paragraphs A.3(9), A.3(11) and A.2(2), including a time limit for implementation, a requirement that development is carried out in accordance with the submitted details, and that it is removed when it is no longer required for electronic communications purposes. It is unnecessary to impose any additional conditions beyond these.

Conclusion

30. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should succeed.

N Kempton

INSPECTOR