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## Appeal Decision

Site visit made on 18 March 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> March 2025

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**Appeal Ref: APP/Q4245/W/24/3354191**

**Hadfield Street SW, Old Trafford, Trafford M16 9FE**

- 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 Cornerstone. against the decision of Trafford Metropolitan Borough Council.
  - The application Ref is 113281/TEL/24.
  - The development proposed is Base Station telecommunications installation. Proposed installation of 20.0m High Street Pole on new root foundation, together with 6No. Antennas, 2No. 300~~0~~ Dishes and 2No. Cabinets and associated ancillary works.
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### Decision

1. The appeal is allowed and prior approval is 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 Proposed Base Station telecommunications installation. Proposed installation of 20.0m High Street Pole on new root foundation, together with 6No. Antennas, 2No. 300~~0~~ Dishes and 2No. Cabinets and associated ancillary works at Hadfield Street SW, Old Trafford, Trafford M16 9FE in accordance with the application Ref 113281/TEL/24 and the details submitted with it, including plans: Site Location Plan 100 A; Proposed Site Plan 201 A; Proposed Site Elevation 301 A.

### Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have therefore had regard to the National Planning Policy Framework (the Framework) and Policies JP-P1 and JP-P2 of the Places for Everyone Joint Development Plan Document (2024) (Pfe) and Policy R1 of the Trafford Council Core Strategy (2012) (CS) only insofar as they are material considerations relating to issues 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 having regard to the setting of the Empress Conservation Area (CA) and non-designated heritage

assets within the CA, 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*

5. The appeal site forms part of a wide paved area towards the corner of Hadfield Street. There are two-storey commercial buildings and warehouses within the immediate surrounding area, predominantly serving as a car dealership.
6. The site lies outside but close to the boundary of the Empress CA. As it relates to this appeal, the significance of the CA stems from the surviving historic sections which convey the story of the area's industrial expansion and development of key transport links, and in particular the three distinct building types which reflect their use and purpose - residential, industrial and office.
7. The proposal would not significantly contribute to street clutter, being located in a spacious paved area set back from the footpath. Moreover, there is other street furniture and vertical structures in proximity to the appeal site, such as bus shelters, fencing, signage and traffic lights. In the context of this wider streetscape, the proposal would not appear as unacceptably discordant or incongruous, with longer views of the proposal taking in the wider context of existing vertical street furniture and high-rise buildings, which would help to integrate the monopole with the local pattern of development.
8. However, in shorter and medium range views, the proposed 20m monopole would tower above existing buildings, with no natural screening such as tree coverage to help to assimilate the structure into the townscape. The proposal would be highly visible within the immediate street scene and would draw the eye due to its height in relation to surrounding built form.
9. The appeal proposal would be viewed within the setting of the non-designated heritage assets (NDHA) Birkdale Terrace and the Empress Building. These are identified as positive contributors towards the character of the CA in the Empress CA Conservation Area Appraisal (2016). The significance of Birkdale Terrace lies in its original features and classical proportions, and its historic value as an example of lost bomb-damaged terraced housing previously prevalent in the area. The significance of the Empress Building lies in the retention of its historic features, including a winch platform and chimney tower, with the scale of the original brewery building clearly discernible, and the reduced levels of ornamentation being indicative of its historic role as headquarters of a less substantial building compared to those on nearby Chester Road.
10. The monopole would be some distance from the NDHAs. Although it would be partially screened by intervening commercial and industrial buildings, the top of the mast would be visible from the rear of the properties along Birkdale Terrace, and would be partially visible to onlookers viewing the terrace along Chester Road. The proposed monopole would be situated further from the Empress Building. Whilst the monopole's narrow form would not obscure the Empress Building's architectural features, its height and vertical nature would compete somewhat with the NDHA's chimney stack, which is an important feature contributing to its historic

significance. This would occur from certain viewpoints, such as when looking towards the CA and the Empress Building directly from neighbouring streets.

11. The proposal would therefore harm the setting and significance of the NDHAs. On balance, due to its distance from the NDHAs, the presence of intervening buildings and roads, and its proposed location alongside surrounding modern warehouse and commercial development, the harm identified would be limited.
12. Due to the surrounding commercial character and its separation from the CA by intervening buildings and a road, the appeal site itself makes very little contribution to the significance of the CA. Notwithstanding this, due to its height the proposed monopole would be visible from various parts of the CA, therefore visually impacting upon its setting, with its height and materials not relating well to the brick-built buildings within the CA. The introduction of a new structure to the skyline would undermine the quality and appreciation of the CA and be a visual distraction when experiencing views into the CA.
13. The proposal would therefore cause harm to the significance of the CA and would fail to preserve its character and appearance. Given the limited nature and extent of the development, along with the surrounding modern built form, the harm would be less than substantial.
14. The Framework requires that the effect of a proposal on the significance of a NDHA should be taken into account in determining the application and states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. The Framework further advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Where a proposal would lead to less than substantial harm to the significance of such an asset, that harm should be weighed against the proposal's public benefits. I will return to these benefits later.
16. In conclusion, the proposal would harm the character and appearance of the area, having regard to the setting of the CA and NDHAs within the CA. As far as they are material considerations, the proposal would therefore conflict with Policies JP-P1 and JP-P2 of the PfE and Policy R1 of the CS which seek to ensure that developments respect local character and conserve and enhance the historic environment. It would also conflict with the Framework which seeks to conserve and enhance the historic environment and highlights that telecommunication development should be sympathetically designed.

#### *Alternative sites*

17. The target area within which the equipment could be located is constrained, due to the planned wider regeneration schemes in Trafford and the requirement not to impede the proposed redevelopment projects. I am satisfied that the search area is appropriate and reasonable based upon the evidence before me.
18. The appellant has undertaken a search for alternative sites within the constrained cell search area, including consideration of site sharing and use of existing structures, and a detailed analysis of alternative ground sites. Alternative sites were discounted for a number of planning, operational and structural reasons. For example, sites were discounted for reasons including being within proposed re-

development and residential schemes; being too narrow to accommodate the equipment; impeding vehicular access; removing required business space; solar panels limiting required space; and the inability to offer structural stability.

19. The Council have suggested that the proposal could be provided at the site of a nearby alternative telecommunication installation at Bennett Brothers Metals Recycling, or at areas towards Cornbrook Road. However, from the evidence before me these sites are not viable options for the longer-term telecommunications infrastructure requirements of the area due to their location within the Cornbrook redevelopment plans and the subsequent proposed removal of the existing lattice tower.
20. From my on-site observations, and the submitted evidence, I have no reason to doubt the legitimacy of the reasons provided as to why the alternatives were discounted in favour of the appeal site. The lack of better or alternative options to deliver improved coverage and capacity as needed in this area is a consideration which weighs strongly in favour of the development.

#### *Public benefits*

21. The Framework outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Furthermore, planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The submission details how the proposal is required to facilitate improvements to wireless connectivity to the densely populated area, and would provide continued provision of 4G services in the area, along with new 5G coverage and capacity.
22. Faster and more reliable connection to digital services would provide economic benefits to the commercial uses and local businesses in the locality, as well as economic and social benefits to residential occupants. These would be wide ranging, including greater efficiency on information sharing leading to improved productivity; enabling smart devices for entertainment; educational and healthcare benefits; smarter public services; allowing people to stay in touch more easily; and enabling people to efficiently work from home.
23. I give substantial weight to the public benefits that would ensue from the proposal, particularly given the lack of viable alternative siting options. These public benefits are sufficient to outweigh the less than substantial harm that I have identified to the significance of the CA as a result of the development within its setting, and, on balance, to the limited harm to the setting and significance of the NDHAs.

#### **Other Matters**

24. Concerns have been raised about potential effects of the proposal on human health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. There is also no clear reason to consider that the development would prejudice residents or

children and young people at a nearby child day care facility and community academy.

25. With regard to other concerns raised by interested parties, the matter of character and appearance has been addressed as a main issue above. As a result of the distance between the proposal and residential properties, it would not appear as overbearing or unduly imposing. Due to the separation distance and intervening landscape features, roads and buildings, the proposal would not detract from nearby Ordsall Hall.
26. Comments made in relation to climate change, environmental and energy impacts, legal cases, insurance and liability and lack of need do not change my findings in relation to the main issue. There is no compelling evidence before me to justify such matters, and in any case, my considerations are limited to the siting and appearance of the apparatus in accordance with the relevant legislation as set out in the preliminary matters above.

### **Conditions**

27. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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**

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

*L C Hughes*

INSPECTOR