



Appeal Decision

Site visit made on 19 May 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Appeal Ref: APP/Q4245/W/25/3359140

Kings Road, Old Trafford, Manchester M16 7RS

- 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 113613/TEL/24.
- The development proposed is the installation of a 20m radio base station supporting 6 no. antennas, 3 no. RRUs and ancillary development thereto including 2 no. equipment cabinets and GPS module.

Decision

1. The appeal is allowed and 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 the siting and appearance of the installation of a 20m radio base station supporting 6 no. antennas, 3 no. RRUs and ancillary development thereto including 2 no. equipment cabinets and GPS module at land at Kings Road, Old Trafford, Manchester M16 7RS in accordance with the terms of the application Ref: 113613/TEL/24, and the plans submitted with it including drawings: 100 Dwg Rev: A; 200 Dwg Rev: B; 201 Dwg Rev: B; 300 Dwg Rev: C; and 301 Dwg Rev: B.

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 based on its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO, which does not require regard to be given to the development plan. I have had regard to Policy JP-P1 of the Places for Everyone Joint Development Plan, Policy L7 of the Council's Core Strategy, and the National Planning Policy Framework (the Framework) in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are:
 - The effect of the siting and appearance of the proposed installation on the street scene and the living conditions of occupiers of nearby residential properties with particular reference to outlook; 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

Street scene

5. The appeal site lies near the junction of Kings Road and Upper Chorlton Road which is characterised by a mix of buildings including residential properties. The appeal site includes an open parcel of grassed land containing several maturing trees. In the context of a busy urban environment the natural qualities of this small parcel of land contribute positively to the street scene.
6. In this location, the proposal would rise above the existing features and would be seen in views along the approaches on both roads. It would be a striking vertical feature and due to its height, and the utilitarian design of the cabinets, it would detract from the positive natural qualities of this parcel of land.
7. Telecommunication masts are common features in urban environments and so it would not appear wholly unexpected. Moreover, seen in the context of other vertical features it would not be an isolated feature, which would help to moderate the extent of intrusion. In this regard, the effects would be localised within the approaches along Kings Road and Upper Chorlton Road but there would nonetheless be harm.
8. I therefore find that the proposal would have a harmful effect on the street scene.

Living conditions

9. The proposal would be seen in views from houses along Kings Road to the south east and those bordering the open parcel of land to the south west. The properties to the south west are positioned in close proximity to the open parcel of land with windows facing toward the appeal site. The properties to the south east are on the opposite side of the road, set back from the footway and have windows facing toward the appeal site.
10. Views from the properties or their respective gardens would be with the context of the trees and planting, which would help moderate the extent of views of the proposal. Although tall it would have a slender profile and so even where visible, from the neighbouring properties, given the distances, views either side would remain. In this regard, I do not consider that it would appear oppressive in scale or unduly dominant to a level that would cause harm to the living conditions of the occupiers of the neighbouring properties even though it would detract from the natural qualities of the parcel of land.
11. I therefore find that the proposal would not have a harmful effect on the living conditions of the occupiers of neighbouring properties with particular reference to outlook.

Suitable alternatives

12. The appellant confirms that the proposal is required to improve 4G and provide new 5G network coverage and capacity for the area. In this regard, paragraph 119 of the Framework says, amongst other things, that decisions should support

the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

13. Paragraph 122 of the Framework says, amongst other things, that applications for electronic communications, including prior approval, should be supported with the necessary evidence to justify the proposed development. In this regard, consideration must also be given to the need for the installation to be sited as proposed taking into account suitable alternatives when balancing with the harm.
14. The appellant has provided a breakdown of alternative sites that were investigated that were located within the cell area where a telecommunication mast would provide coverage for that cell area. This includes twenty sites that comprise of upgrading existing telecommunications sites, such as on the roof of the nearby Army Reserve Centre, several buildings and existing structures and alternative ground-based sites.
15. Reasons given for discounting alternative sites include the structural integrity of the buildings, planned development from landowners, narrowness of the footway and the relationship to residential properties. From my observations and considering the evidence before me I have no reason to question these reasons.
16. Whilst the Council has suggested that there could be a more thorough search, it has not suggested any alternative sites. Moreover, considering the constraints within the cell area and the number of sites discussed in the evidence before me it is not clear where any theoretically potentially suitable alternative locations may be. In this regard, the absence of alternative options that are better, and would provide coverage, is a material consideration that weighs strongly for the proposal.
17. To conclude, harm would occur to the street scene, but the extent of harm would be localised and is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Other Matters

18. Telecommunications are required to comply with the International Commission of Non-Ionizing Radiation Protection (ICNIRP) guidelines. A certificate confirming this is in evidence. In these circumstances, the Framework advises that Local planning authorities must determine applications on planning grounds only and not set health safeguards different from the International Commission guidelines for public exposure. In this regard, whilst I note the concerns raised by interested parties 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.
19. There is no substantive evidence that the appellant is not able to submit the application for the development as, or on behalf of, an electronic communications code operator. I have had regard to other concerns raised by interested parties. However, the principle of development is established by the GPDO, and 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 section of my decision. In this regard, there is no substantive evidence relating to fear and anxiety, noise and disturbance, ecology, the cumulative effects of 5G rollout, insurance and liability, climate change, or need, that would alter or outweigh my findings in the main issues. Reference has also been made to

various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

Conditions

20. 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

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

Mr R Walker

INSPECTOR