



Appeal Decision

Site visit made on 9 June 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Appeal Ref: APP/E2340/W/25/3359144

Land at Rainhall Road Shoppers Car Park, Unity Street, Barnoldswick BB18 6AH

- 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 Limited against the decision of Pendle Borough Council.
 - The application Ref is 24/0743/PNT.
 - The development proposed is 20m high EE monopole supporting 6 no. antennas including 1 no. wrap around cabinet with 2 no. 0.3m transmission dishes, 3 no. ground-based equipment cabinets and ancillary equipment and cabling.
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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 20m high EE monopole supporting 6 no. antennas including 1 no. wrap around cabinet with 2 no. 0.3m transmission dishes, 3 no. ground-based equipment cabinets and ancillary equipment and cabling at land at Rainhall Road Shoppers Car Park, Unity Street, Barnoldswick BB18 6AH in accordance with the application 24/0743/PNT and the details submitted with it including: -
 - Drawing Nos:-
 - 002 – Site Location Plan
 - 100 – Existing Site Plan
 - 150 – Proposed Site Plan
 - 200 – Existing Site Elevation A
 - 250 – Proposed Site Elevation A

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GDPO 2015), 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. The decision notice does not set out a reason for refusal although the Council had briefly set out its reason for the Planning Committee's refusal in an e-mail to the agent. I am satisfied that the Council notified the appellant of its decision within the prescribed period. A fuller reason is set out in its appeal statement including

reference to a number of development plan policies. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies ENV1 and ENV2 of the Core Strategy¹ and Policies 31 and 38 of the Local Plan² are material considerations in so far as they relate to issues of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area and parking provision in the car park 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 proposed installation (the monopole, antennas, dishes and the cabinets) would be sited at the end of a public car park. The car park is long and narrow and at its far end, set below the level of the land on three sides of it. A thick area of mature trees/vegetation separates the car park from adjacent houses in Unity Street and Lower Rook Street. The car park is on land formerly part of a railway line and is characterised by its setting within a low, linear area of land in an urban area. The mature vegetation softens the urban character.
6. From within the car park the appearance of the installation would be acceptable due to the rising land levels around it, the slim structure of the monopole and its total height including antennas. The monopole would be visible from Lower Rook Street which is mainly residential and narrows as it passes the end of the car park. There are allotments on the other side of the road. The monopole would be higher than the existing trees and vegetation but only its upper section would be clearly visible from Lower Rook Street and Unity Street.
7. The lampposts in this area are not especially tall but given the urban character of the area and the amount of vegetation, the visual impact of the monopole would not be excessive or unduly prominent. I accept that some of the trees/vegetation may be deciduous and so provide less cover in the winter months but even this would provide some screening by interrupting the view of the monopole. The cabinets would only be visible from within the car park. Consequently, I do not consider that the character and appearance of the surrounding area would be harmed.
8. The installation would result in the loss of one car parking space and reduce the area for manoeuvring at the end of the car park. I have no information about the total number of public car parking spaces currently available in the area, but the loss here would be very small, and I do not consider that this loss would make the siting of this proposal unacceptable. I appreciate that it may be used by local people with limited parking spaces as well as shoppers. However, Lancashire County Council's Highways consultee does not object to the proposal, stating that it would not have a significant effect on highway safety, capacity or amenity in the immediate vicinity of the site. I am therefore satisfied that the proposal would not

¹ Borough of Pendle – Local Plan for Pendle Core Strategy 2011 – 2030, Adopted 17 December 2015

² Borough of Pendle – Replacement Pendle Local Plan 2001 – 2016 Written Statement Adopted May 2006.

unduly harm the function of the car park, and the loss of space would not have any other adverse impact.

9. The proposal is required as a replacement for the existing installation at Barnoldswick Fire Station which cannot be upgraded due to structural reasons. The proposal is described by the appellant as being essential in order to uphold the continuity of the service within Barnoldswick. This would continue to provide 3G and 4G coverage which includes that to the Emergency Services. However, paragraph 123 of the Framework makes it clear that the need for electronic communications systems should not be questioned.
10. As I have found that the proposal would not harm the character or appearance of the area or the car park there is no need for me to assess alternative sites.

Other Matters

11. Concern has been raised due to the location of the installation close to a childrens nursery. 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 decision makers 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.
12. Whilst there are residential properties that have windows that would look out onto the monopole, due to the distance, the design of the monopole and the trees/vegetation, the living conditions of the occupiers of these houses would not be harmed.
13. I have considered all other matters raised including a risk of lightning strikes, threats of vandalism and the structural integrity of the former railway bridge but these do not overcome the benefits of continued telecommunications cover in the Barnoldswick area.

Conditions

14. The Order 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

15. For the reasons given above the appeal should be allowed and prior approval should be granted.

J D Clark

INSPECTOR