



Appeal Decision

Site visit made on 22 May 2025

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/N4720/W/24/3356494

Stainbeck Lane, Chapel Allerton, Leeds LS7 2EB

(Grid Ref Easting: 429751; Grid Ref Northing: 437043)

- 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 GPDO).
 - The appeal is made by EE Limited against the decision of Leeds City Council.
 - The application Ref is 24/05134/DTM.
 - The development proposed is the installation of a 15m Hutchinson Phase 8 pole, 6No. antennas, 2No. 300mm dishes, 1No. GPS Node, and 4No. ground-based equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Because this is an application for prior approval the provisions of the GPDO 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. This appeal will be determined on the same basis.
3. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policy T2 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) and Policy GP5 of the Unitary Development Plan, as well as the Transport SPD, are material considerations as they relate to issues of siting and appearance. In particular, they seek to address highway safety. Similarly, the National Planning Policy Framework is also a material consideration and this includes sections on supporting high quality communications and promoting sustainable transport.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on highway safety 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

Highway Safety

5. The appeal site is located on a landscaped traffic island in a complex area where a number of side roads join onto the through road of Stainbeck Lane. There are a small number of shops on either side of Stainbeck Lane as well as a bus stop adjacent to the island, and the pedestrian and vehicle movements associated with these add to the complex and sensitive nature of this area in respect of highway safety.
6. The proposed mast and associated cabinets would reduce visibility for drivers and pedestrians as they pass through this complex area. The appellant has submitted visibility splays which they consider demonstrate that the monopole and cabinets do not encroach on critical sightlines for vehicles or pedestrians. However, even if that is the case for stationary vehicles at a junction, due to the complexity of this area then all highway users should be aware of each other's presence as they pass through the area or approach junctions. The proposed mast and cabinets would reduce the intervisibility of highway users, with increased potential for collisions. Consequently, the proposal would lead to significant harm to highway safety.
7. The Council also refers to obstructions during maintenance and the resultant harm to the safety of highway users. Given the complexity and sensitivity of this location I consider that these concerns are well-founded. The appellant refers to mitigation measures such as the timing of works, temporary pedestrian crossings and the use of marshals. However, viewed objectively and in context, it has not been demonstrated that these measures would successfully address issues of highway safety, even given the infrequency of such works.
8. The appellant sets out that the Council's Highways Team did not object in pre-application comments. However, the Council's Delegation Report states that the Highways Team objected to the proposal when consulted on the application.
9. The Council contends that the proposal would be prejudicial to any future improvements to this junction. However, I have not been provided with details of whether any future improvements are proposed or what these may consist of. This matter does not therefore add to my concerns in respect of highway safety.
10. Notwithstanding my comments in respect of future highway improvements, I conclude that due to its siting within a complex and sensitive area of junctions and other highway features, and the effect on visibility, the proposal would lead to significant harm to highway safety.

Alternative Sites

11. The appellant has provided details of a number of sites which were discounted for various reasons. However, whilst there may be technical reasons for discounting some of the sites, the environmental or visual impacts referred to may not outweigh the significant harm to highway safety in the case of this appeal. Furthermore, I saw that there are a number of open sites in the vicinity of the appeal site which do not appear to raise such fundamental concerns in respect of highway safety, and which have not been considered by the appellant.
12. On the basis of the evidence regarding discounted sites and my own observations, I am not persuaded that the appellant's consideration of alternative sites is suitably robust. It has therefore not been demonstrated that the appeal site is the only viable option and that there are no suitable alternatives, even given the constraints

and operational requirements identified by the appellant. On that basis, I am not satisfied that the significant harm I have identified above is outweighed by the need for the installation to be sited as proposed.

Other Matters

13. Reference has been made to various social and economic benefits arising from the proposal, but these have not been taken into account in considering the matters of siting and appearance. The appellant refers to other Appeal Decisions which consider the public benefits of telecommunications development, but these do not negate my consideration of this issue given the provisions of the GPDO.
14. Although reference has been made to other telecommunications infrastructure approved in the area, it has not been shown that these are a direct parallel to the appeal proposal, particularly in respect of impacts on highway safety.

Conclusion

15. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR