



Appeal Decision

Site visit made on 23 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 4th August 2025

Appeal Ref: APP/N4720/W/25/3365964

Pontefract Lane, Leeds LS9 8HY

- 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 Leeds City Council.
 - The application Ref is 25/00571/DTM.
 - The development proposed is 17.5m monopole c/w 6no. antennas, 3no. RRUs, 1no. 0.3m dish, 2 no. cabinets and 1no. meter cabinet with ancillary development thereto.
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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 a 17.5m monopole c/w 6no. antennas, 3no. RRUs, 1no. 0.3m dish, 2 no. cabinets and 1no. meter cabinet with ancillary development thereto at Pontefract Lane, Leeds LS9 8HY in accordance with the application 25/00571/DTM and the details submitted with it including Drawing Nos: -
 - 100 Rev A – Site Location Maps;
 - 200 Rev A – Existing Site Plan;
 - 300 Rev A – Existing Site Elevation A;
 - 201 Rev C – Proposed Site Plan;
 - 301 Rev B – 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. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Core Strategy¹ Policy P10 and UDP² Policy GP5 are referred to in the decision notice and are material considerations insofar as they relate to issues of siting and appearance.

¹ Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan, Adopted November 2024, Amendments Adopted 11 September 2019.

² Leeds City Council – Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement, Adopted by Leeds City Council 19 July 2006.

Main Issues

4. The main issues are whether the proposal is permitted development under Schedule 2, Part 16, Class A of the Order and if so the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area 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

Permitted Development

5. Schedule 2, Part 16, Class A permits development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of –
 - (a) the installation, alteration or replacement of any electronic communications apparatus,
 - (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
 - (c) development ancillary to radio equipment housing.
6. A number of sections set out where development is not permitted. Section 7 states that ground or base area development consisting of the installation, alteration or replacement of any electronic communications apparatus other than (a) a mast; (b) an antenna; (d) any apparatus which does not project above the level of the surface of the ground; or (e) radio equipment housing, is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres. The Council consider that the largest cabinet exceeds 1.5 square metres and therefore, the proposal would not be permitted development. The appellant disputes this and provides measurements to support this view.
7. The appellant also points out that as the cabinets would not exceed 2.5 cubic metres they would be permitted development. Class A.2 (4) (c) allows the construction, installation, alteration or replacement of radio equipment housing (i) within a permitted compound; or (ii) in any other location, where the volume of any single development does not exceed 2.5 cubic metres. Although the Council has expressed uncertainty over whether the larger cabinet would house radio equipment, the appellant has clarified that it would. I have no reason to doubt the appellant on this matter.
8. The appellant explains that there would be four cabinets, not three as originally described. These would comprise of a Meter cabinet and a Derby cabinet, also referred to as a Cheshire Plus Cabinet. The Cheshire Plus cabinet would in fact be two cabinets comprising the Cheshire cabinet designed to house radio equipment such as Remote Radio Units (RRU's) and the PSC cabinet (also known as the plus cabinet) is typically used for transmission or server equipment.

9. From the information submitted, I am satisfied that none of the individual cabinets would exceed 1.5 square metres. Consequently, the proposal would be permitted development. In the case of radio equipment housing, given the explanation for the Cheshire Plus cabinet (comprising two cabinets as described above), and notwithstanding the Council's dispute about the height in relation to ground levels, I am also satisfied that the 2.5 cubic metres threshold would not be breached. This particular element would not fall under the prior approval procedure.
10. I conclude therefore that the proposal is permitted development under Schedule 2, Part 16, Class A of the Order and I have therefore assessed it as such.

Character and Appearance

11. Other than the school, All Saints Church of England Primary School, and the area of open space adjacent to the appeal site, the immediate area is mostly commercial in character. Pontefract Lane has a pinch point close to the appeal site which narrows the carriageway and slows traffic down. There are metal railings and some mature vegetation close to the road. The area of public open space has a low railing and is very open in character. The land drops in levels from the south northwards.
12. The proposed monopole and cabinets would be sited towards the back of the pavement close to the grouping of trees and vegetation and metal railings. Due to their scale and location, the cabinets would be unobtrusive and would not have an adverse effect on the character and appearance of the surrounding area.
13. There is a variety of street furniture including lampposts and traffic signs. Buildings and structures are of varying heights. The proposed mast would be taller than the street furniture and trees in the immediate vicinity and from some viewpoints, would be prominent. In particular, when viewed from the north, due to rising land, it would be seen, in part, against a backdrop of the open space. However, when viewed from the south, the monopole would be less obvious as the land drops away, there is more street furniture and it would be seen against the distant backdrop of the high rise buildings in the city. Overall, in this location, the monopole would not appear unduly intrusive or harmful to the character or appearance of the surrounding area.

Alternative Sites

14. As I have found that the proposal would not harm the character or appearance of the surrounding area there is no need for me to assess alternative sites.

Other Matters

15. Concerns have been raised about the proximity of the proposal to the school in terms of security and access to the school. Whilst, the cabinets may make it easier to climb over the fence, and mention has been made of break-ins at the school, I have no evidence to support the likelihood that this proposal would cause a serious safety risk at the school that would be of sufficient weight to warrant the site being unacceptable for the proposal. I also do not consider that the proposal would have an adverse effect on the use of the playing field.
16. With regard to health concerns, 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.

Conditions

17. 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

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

J D Clark

INSPECTOR