



Appeal Decision

Site visit made on 31 July 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/V4250/W/25/3366528

Astley & Tyldesley FC, Meanley Road, Tyldesley, Greater Manchester M29 7DW

- 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 UK Ltd and Hutchison UK Ltd against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/25/098672/TCSO.
 - The development proposed is a telecommunications installation. Proposed 25m High FLI type ATS1300 climbable Lattice Tower (painted green) on 5.85 x 5.5 x 1.2m DP R.C. base on 0.9m DP Blanket mass concrete pad with 6No. EE/H3G Antenna Apertures at 0°(H3G) 340°(EE)/120°/240°. 4No. EE/H3G 600Ø Dishes, RRUs, MHAs, and BOBs to be fixed to support poles below Antennas.
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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 telecommunications installation. Proposed 25m high FLI type ATS1300 climbable lattice tower (painted green) on 5.85 x 5.5 x 1.2m DP R.C. base on 0.9m DP blanket mass concrete pad with 6No. EE/H3G antenna apertures at 0°(H3G) 340°(EE)/120°/240°. 4No. EE/H3G 600Ø dishes, RRUs, MHAs, and BOBs to be fixed to support poles below antennas at Astley & Tyldesley FC, Meanley Road, Tyldesley, Greater Manchester M29 7DW in accordance with the application ref: A/25/098672/TCSO and the details submitted with it including plan nos 1542605_WGN133_74774_M0779_M006 Issue B4 002 Site Location Plan, 003 Access Plan, 004 Lease Demise, 215 Max Configuration Site Plan and 265 Max Configuration Elevation A, and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with Figure 1 - Tree Protection Zone as set out in NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees.

Procedural 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. My determination of this appeal has been made on the same basis.

3. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the policies of the Wigan Local Plan Core Strategy Development Plan Document (2013) (Core Strategy), the Places for Everyone Joint Development Plan Document 2022 to 2039 (2024) (Places for Everyone Plan), the Council's Telecommunications Supplementary Planning Guidance (2006) (SPG) and the National Planning Policy Framework (Framework) only as far as they are material considerations relevant to matters of siting and appearance.
4. The appeal submission includes viewpoint photomontages that were not before the Council at the time of its decision. Such documents do not though represent a substantial difference or a fundamental change. Procedurally, the Council and Interested Parties have also had the opportunity to comment through the consultation that forms part of the appeal timetable. Hence, they have been considered in my decision.
5. The named road in the address details in the banner heading and decision paragraphs above are taken from the Council's decision notice as it was evident from my site visit that Meanley Road represents a more accurate description of where the appeal site is found.

Background and Main Issues

6. The appellants applied to the Council as to whether prior approval was required for the siting and appearance of the proposal. The Council considered that prior approval was required and refused the application on the grounds that the proposed lattice tower, antennas and ancillary works through the height, design and siting would be visually intrusive and incongruous in the street scene, as well as to a nearby bridleway and sports facilities. It would be to the detriment of the visual amenity and character of the area. The Council was also concerned there had been a failure to demonstrate not unacceptable impacts on existing trees and their future maintenance. The justification for the proposal would not outweigh the harm caused by its siting and appearance.
7. The appellants consider that prior approval should be granted for the proposal. It would provide the necessary operational requirements while having a limited effect on environmental considerations, including visual impact and the character of the area. It would also be visually separate from sensitive receptors. Trees would be guided by industry standards. No other suitable sites are available. It would replace an existing emergency installation.
8. Social, economic and other public benefits have also been raised, as well as various references to how the rollout of such development is supported by Government. However, the GPDO is clear that the only considerations should be siting and appearance. These benefits have already been effectively recognised by the grant of permission under Article 3(1) of the GPDO.
9. Accordingly, the main issues are the effect of the siting and appearance of the proposed installation on (i) the character and appearance of the area; (ii) the amenity value of trees; and, (iii) if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed and taking into account any suitable alternatives.

Reasons

Character and Appearance

10. The appeal site comprises an area of open land which borders mature trees. It also lies adjacent to an expansive playing field area. Other facilities associated with a sports club are also close by and beyond the trees, including a floodlit bowling green, a clubhouse and other sports facilities. Beyond the sports club, there is terraced residential development associated with Gin Pit village and a more modern housing estate. The car park of the sports club contains a temporary telecommunications mast and apparatus. The remaining area in the vicinity of the site includes trees, woodland and open grassland areas, which provide a distinctive verdant character. This aspect of the local character also provides appreciable relief to the built up form in its vicinity as a large area of green space.
11. The height of the proposed tower would be considerably greater than other features found in its vicinity, including the adjacent trees, the floodlights and the mast. The proposed lattice tower design would also be out of keeping and the bulk of the proposed headframe arrangement at the top of the tower would make it an incongruous feature. The structures associated with the sports club site do not have the same level of obtrusive appearance and moreover the existing temporary mast is more readily associated with the built form and the car park on that site.
12. When the siting is also considered, it would detract from the semi-natural setting and the associated visual amenity. It would be prominent from the sports facilities, in particular the playing field areas and the bowling green. There would also be some prominence from the bridleway, even with a degree of screening afforded by the lower height of the trees. This is ably demonstrated by the submitted viewpoint photomontages and such an effect would likely be considerably greater at times of leaf fall. In these respects, it would be visually intrusive and so to the detriment of the character of the area.
13. It has been said that the proposed tower design is utilised in many parts of the country and that it would involve high quality materials. Be this as it may, it is not clear how in particular the proposed lattice tower has sought to respond to its context in character terms. Its design seems largely driven by operational requirements, even if the height is the minimum that it can be for service reasons. Hence, this does not address my character concerns and neither does that the equipment cabinets are deemed to be permitted development by the appellants.
14. From the streetscene on Meanley Road, there would be less prominence of the proposal due to the intervening distance and sports facilities. The nearest dwellings in Gin Pit village would also not have a direct view towards the proposal due to the orientation of these properties. While some of the dwellings on the modern estate would face towards the proposal, this would be a greater distance again and with the sports facilities in between, be not unacceptable. The proposal would also be located away from more sensitive uses. While these matters temper the harm that would arise, they would not satisfactorily address that it would be out of character in this location.
15. In taking all of the considerations together, I conclude that the siting and appearance of the proposed installation would have an unacceptable effect on the character and appearance of the area. As a result, it would not comply with

Policies CP10 and CP17 of the Core Strategy, Policy JP-P1 of the Places for Everyone Plan, the Framework and the SPG in as far as they are material considerations by way of character, integrating with surroundings, achieving well designed places and visual impact.

Trees

16. The trees which are found close to the site have appreciable amenity value. With the remainder of the woodland in their vicinity they provide a pleasing backdrop of fairly dense trees and associated canopies, along with the ground vegetation. They also provide a clear boundary with built development on the sports club site. The trees also contribute to the not insignificant area of green space between urban areas.
17. The Council consider that the application should be supported by a BS 5837 tree survey, constraints plan and arboricultural implications assessment to demonstrate what impact the proposal would have on trees. On receipt of such information, the Council would look at appropriate mitigation, whether a Tree Preservation Order should be implemented and appropriate tree protection measures. The Council is also concerned with cumulative effects. The prior approval procedure is however to be attended by the minimum of formalities, as the principle of the development is not in question. It has also not been explained why the Council did not request such information whilst it was validating or dealing with the application.
18. The appellants have referred me to industry guidance¹ where the proposal would be sited within the permitted zone because the trunk of the nearest tree would be more than 5 metres away. The guidance also provides for any exposed roots in the permitted zone to be protected. It was evident from my observations at the site visit that the proposal, in particular the lattice tower, while close, would be located outside of the area of trees in accordance with the industry guidance. The situation on the ground is accurately reflected by the existing and proposed site plans. Even if this guidance is aimed at highway trees, it is not evident why trees, whether on the highway or elsewhere, should be treated any differently in terms of their amenity value.
19. I would accept though that the guidance that I have been referred to is not the same equivalent control as would be provided by a BS 5837 tree survey, constraints plan and an arboricultural implications assessment. Given there are trees close by, there is some potential for those trees to be adversely affected. The imposition of a planning condition concerning the application of the industry guidance, whilst reasonably and necessary to lessen the potential for harm, would not remove the possibility of it.
20. Accordingly, I conclude that the siting and appearance of the proposed installation would have an unacceptable effect on the amenity value of trees. It would not comply with Policy JP-G7 of the Places for Everyone Plan and the Framework in as far as they are material considerations in relation to the protection of trees and the quality of the treescape.

¹ NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees

Need for the Proposed Installation in this Location and Alternative Sites

21. The need for the proposal is centred on maintaining and upgrading digital connectivity to address mobile telecommunications coverage in the area. It would improve performance, provide for 2 operators and their associates, and for an emergency services network. Coverage is currently being provided by the temporary mast in the sports club car park because the previous site had been the subject of a 'Notice to Quit'. This necessitated making alternative arrangements in the designated search area for an emergency installation. A permanent installation is required to maintain coverage. As such, it has been ably established that the proposal would provide coverage for this area.
22. A number of alternative sites have been put forward and the appellants have set out how a sequential approach has been followed. A new ground based mast is the only viable option. There is no substantive evidence to the contrary on the unsuitability of these sites. They either lie substantially closer to residential properties, have access issues, are not available or are too far from the search area. The existing temporary mast is not a suitable alternative as it is sited on the car park. There is a need for the proposal to be sited in this location.

Other Matters

23. Concerns have been raised about potential effects on health, including on those who may be engaged in tree works. However, the appellants have 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.
24. I have been referred to a dismissed appeal decision² for a telecommunications installation of the same height and lattice tower design in the area. I reach a similar view on character and appearance to that decision, albeit the proposal before me would have a higher degree of screening. That decision was also concerned with limited information on alternatives, which sets it apart from the proposal before me. The appellants have provided a level of information which I find corroborates their sequential approach and the consideration of alternative sites. I also observed the practical limitations of these on my site visit. I am therefore justified in taking a different decision.

Balancing Exercise

25. The siting and appearance of the proposed installation would result in an unacceptable effect with regard to the character and appearance of the area, and on the amenity value of trees. As there is some screening as regards character and appearance and some tree protection afforded through the industry guidance, these issues each attract moderate weight in my decision against the proposal.
26. Set against this is the need for the proposal in this area for coverage purposes, especially given the Notice to Quit on the previous site and the emergency nature

² Appeal ref: APP/V4250/W/23/3334225

of the current installation. There is also not the likelihood that a more suitable site is reasonably available. The information provided on the need and lack of reasonable alternative sites is both sufficient and compelling. There is a risk that without a permanent installation, the area could be left without adequate coverage. Need and the lack of alternative sites each attract significant weight in favour of the proposal.

27. The need for the proposed installation in this location and taking into account any suitable alternatives therefore outweighs the harm that would arise. The proposal thus succeeds against the prior approval matters of siting and appearance, as are set out by paragraph A.3 (4). As a result, it would satisfy the requirements of Class A of Schedule 2, Part 16 of the GPDO and so is development permitted by it.

Conditions

28. 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.
29. In light of the proximity to the trees and in order to protect their amenity value, it is however reasonable and necessary to set out that the proposal shall be carried out in accordance with the industry guidelines that are before me, by way of a condition. The guidelines by way of Figure 1 that is referred to in the condition is precise and so would be enforceable if there was a breach.
30. The Council requested details of colour finish by condition, however the description of development already sets out that the proposed lattice tower would be green. Beyond this, I am not persuaded such a condition would be reasonable and necessary, not least as I have already accounted for harm that would arise to character and appearance in my decision.

Conclusion

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

Darren Hendley

INSPECTOR