



Appeal Decision

Site visit made on 21 October 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/H4505/W/25/3367986

Barley Mow Replacement, Vigo Lane, North Lodge, Gateshead, Durham DH3 2ET

- 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 on behalf of WHP Telecoms Ltd against the decision of Gateshead Metropolitan Borough Council.
- The application Ref is DC/24/00981/TDPA.
- The development proposed is proposed 20m pole, 6no. antennas, 1no. GPS node, 3no. RRU's, 2no. 300 dishes, 1no. cabinet, 600sq of paving slabs for access, and ancillary development thereto.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 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 that basis.
3. The Council has referred to Policy CS15 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015) (the CS) and Policy MSGP24 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021) (the LP) in its decision notice. 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 development plan and the National Planning Policy Framework (the Framework) only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the 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

5. The appeal proposal would be sited on an area of grassed amenity space that occupies a highly prominent position adjacent to Vigo Lane. The proposed pole

and associated development would be sited to the roadside frontage with Vigo Lane, which is a considerably busier and main route compared to other sections of road surrounding the site. There are residential properties relatively close to the site contributing to a predominantly residential setting within the wider area.

6. Mature trees are a significant feature within the grassed area of the site that contribute to this being an attractive and verdant space within the area. Alongside stone walls, wide grassed verges and other mature landscaping in the immediate area, the well maintained green spaces of the site and its immediate surroundings provide a focal point and soften the edge of the residential development in the area. The site is an established feature of the area's landscaped and more open character and appearance, which is a less built-up part of the wider urban environment, despite its proximity to other development in the wider area.
7. Whilst being a slimline design, the development would introduce a large structure into a highly prominent location and would be clearly visible from Vigo Lane and in the approaches along it towards the site from both directions. For operational reasons the pole would need to be considerably higher than the existing trees within the grassed area. It would also be much taller than other street furniture within this area and in the vicinity, which includes street lighting and road traffic signage of similar colouring to the proposed pole.
8. The cabinet would be a more modest addition at ground level, although given its position it would be clearly visible from Vigo Lane. The existing and proposed site plans indicate an existing footpath crossing the grassed area, although I did not observe this at my visit. The proposed paving slabs would introduce new hardstanding into the grassed area where there is currently none. Whilst the cabinet and paving slabs would diminish the more open character and appearance of the site to some degree, due to their more modest scale and the proposed colouring of the cabinet, these elements would not result in significant adverse visual impacts. The Council has raised no concerns on these aspects.
9. The trees within the amenity space close to the site would assist in reducing some of the visual impact of the pole and provide partial screening in some views, including to the outlook from nearby housing. The bulkier equipment to its top would likely be seen in the public domain above the tree line. However, due to its height and position close to the roadside, the pole would be highly visible and dominating in views from the road and pavement along Vigo Lane, despite the trees providing some backdrop. Consequently, the trees would not provide a significant degree of screening of the pole in views from Vigo Lane or ensure that it would blend harmoniously into its surroundings. During winter months the trees would provide a degree of screening and backdrop depending on viewpoints, although any benefit would be reduced with leaf fall. Accordingly, given its position and height, the pole would appear as a significant, visually intrusive and incongruous feature in this location. It would erode the established and attractive landscaped setting, resulting in harm to the character and appearance of the area.
10. There is existing network coverage in the area with a flagpole located on the rooftop of the Barley Mow Club. The evidence indicates the proposal would address increasing demand for connectivity within the area, enhancing the existing 4G coverage and introducing new 5G capability. From the information before me, the Council does not dispute that there is a need to improve the network coverage in this area.

11. Paragraph 120 of the Framework states that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. For the reasons given above, due to its siting and appearance, the proposed pole would harm the character and appearance of the area. Whether other options are available is therefore an important consideration. Paragraph 122 of the Framework states that applications should be supported by the necessary evidence to justify the proposed development, including for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
12. The appellant identified 12 alternative options in the application submission and 11 in the appeal statement of case. These are focused around the existing flagpole installation at the Barley Mow Club, which have been considered and subsequently discounted. From the evidence before me, I am satisfied that the appellant has demonstrated that there is an identified need for the proposed development to be located somewhere in the identified search area. The Council has not stated a preference for any of the discounted sites and does not put forward any suggestions for other alternative sites.
13. The appellant's reasons for discounting other sites include matters such as the upgrading of the existing flagpole at the Barley Mow Club not being suitable, greater visual impacts in comparison to the appeal proposal, effects on residential properties, topography, obstruction of a footpath, underground services and junction visibility. For the Barley Mow Club, it is suggested that the existing rooftop installation would need to be significantly extended and reinforced resulting in a bulkier and more visually intrusive structure. However, no further details are provided to indicate what this might involve to understand the extent of any potential impact and if this would be inappropriate in a more built-up area in comparison to the character and appearance of the appeal site.
14. Other sites visible from roadsides that do not have the same qualities and characteristics of the appeal site and its immediate surroundings described above have been discounted for reasons of visual impact, including those along other sections of the same main road as the appeal proposal. Whilst some locations may have less or different landscaping than the trees at the appeal site, it is not clear if this would potentially mean that a pole of lower height than the appeal scheme could be feasible in other locations to meet operational requirements and assimilate more satisfactorily into the surroundings alongside other development and infrastructure, including proximity to housing. Therefore, I have insufficient information before me to clearly demonstrate that the alternative sites have been fully explored and would not be feasible alternatives.
15. For the above reasons, and despite the efforts of the appellant, on the basis of the evidence before me I am not satisfied that the requirements of paragraphs 120 and 122 of the Framework have been met, or there is compelling evidence that there are a lack of alternatives. The proposal does not meet the aims of government policy and would be harmful to the character and appearance of the area. In my judgement, the evidence does not adequately demonstrate that the harm would be justified by an absence of suitable alternative sites, and the need for the installation does not outweigh the identified harm.
16. Therefore, the siting and appearance of the proposal would have an unacceptable harmful effect on the character and appearance of the area that would not be

outweighed by the need for the installation to be sited as proposed, and taking into account any suitable alternatives. Insofar as they are a material consideration, the proposal would also be contrary to Policy CS15 of the CS and Policy MSGP24 of the LP. Amongst other things, these aim for development to contribute to good place-making, respond positively to local distinctiveness and character, and assess the proposal's compatibility with local character.

Other Matters

17. The Framework supports the expansion of electronic communications networks, and I have had regard to information provided by the appellant demonstrating support, industry requirements, relevant best practice and guidance. The benefits of mobile telecommunications to the economy, social well-being, education and the community, as well as others identified, are not contested and weigh in favour of the proposal. However, a balance needs to be achieved between the network requirements and the effects of the siting and appearance of the development, and the benefits would not justify the harm in this instance.
18. The appellant references other cases¹ in the context of the policies of the Framework and matters of visual impact and harm. I have not been provided with full details of these and therefore I am unable to determine if they are directly comparable or relevant to the scheme before me. However, I have assessed the proposal before me on its merits in this specific location which cannot be directly comparable, and for the reasons set out above, the benefits of the proposal would not outweigh the harm.
19. Interested parties have raised concerns over potential effects on health. 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 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.
20. The Grade II listed Vigo House is located opposite the site on Vigo Lane, set back from the road within a large plot, with tree planting to its boundary. The main parties agree that the proposal would not result in harm to the heritage asset. Notwithstanding my conclusion on the main issue, from the evidence before me I have no reason to take a different view.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR

¹ APP/Q5300/W/22/3302725 (Enfield) and EE Ltd & Hutchison 3G UK Ltd v London Borough of Islington [2021] EWHC 2698 (admin)