



Appeal Decision

Site visit made on 23 May 2023

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/R4408/W/22/3310515

Junction of Salisbury Street and Huddersfield Road, Wilthorpe, Barnsley S75 1AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 MBNL against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0796, dated 24 July 2022, was refused by notice dated 6 September 2022.
 - The development proposed is upgrade to the existing 11.8m high EE/H3G L30 lamp post, proposed EE/H3G 20.00m AGL Phase 7 monopole complete with wrapround cabinet to be installed on root foundation and associated ancillary works.
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Decision

1. The appeal is dismissed.

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 Council 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 principle of development is established by the GPDO and there is no requirement to have regard to the development plan as there would be for a development requiring planning permission. Nevertheless, policies GD1, D1, HE1 and HE3 of the Barnsley Local Plan (2019) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure that development has a high quality of design, is appropriate to its location and conserves the significance and setting of the borough's heritage assets. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes policies for conserving and enhancing the historic environment and a section on supporting high quality communications.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the setting and significance of the Huddersfield Road Conservation Area (HRCA) and the

nearby Grade II listed building, 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 site is an area of footpath at the junction of Salisbury Street and Huddersfield Road where the existing monopole to be replaced is currently sited. There are a number of other vertical features nearby to the site, including street furniture, traffic lights, road signs, as well as a number of mature trees within an adjacent grassed open space. In addition, the existing monopole is currently served by 3no. equipment cabinets, with other street furniture close by at the end of Salisbury Street including an equipment cabinet serving traffic systems and a set of railings on the footpath.
6. The surrounding area features a mixture of built form including traditional two storey properties and on the opposite side of Huddersfield Road is a Grade II listed building known as the Former Barnsley College which has been converted into apartments. The site is also adjacent to the HRCA.
7. The boundary of the HRCA runs immediately adjacent to the appeal site and as such the proposal would be seen in conjunction with views into and out of the conservation area and is part of its setting. I observed that the HRCA features a broad mix of design of period properties, some set within generous plots. The front gardens include established trees and hedges, and there are a number of trees adjacent to the road on the footpath creating a green and leafy character. Insofar as it relates to this appeal, the significance of the HRCA is primarily derived from its historic street pattern and architectural style of properties.
8. The appeal site comprises an area of hardstanding set back from the road. In views of the site from the edge of the HRCA it therefore reads as an area of pavement. The site, and the existing monopole and equipment cabinets makes little contribution to the significance of the HRCA and its setting when viewed amongst existing street furniture and other vertical features. However, while the proposed monopole would occupy only a very small proportion of any views into and out of the HRCA it would, nevertheless, appear significantly taller than other vertical elements nearby. The proposed monopole would be of considerable height at 20 metres to the top of the tower and when approaching the site, it would be a much more conspicuous and intrusive feature in the surrounding area than the existing monopole to be replaced, with a noticeable projection above the nearby trees.
9. The appellant suggests that the existing installation sets a precedent for telecommunications development in this location. However, the appeal scheme is located away from the existing pole, closer to the road and in a more prominent position in the open pavement. Moreover, the appeal scheme would be so markedly different in appearance to the existing mast that it cannot be used as a relevant comparison. It would not be of comparable dimensions and would be appreciably wider and taller than the existing installation that is being replaced by the appeal scheme, resulting in a bulkier appearance.
10. While the proposal would be situated in an urban area where monopoles may not be unusual, the appeal scheme would not have a backdrop of commercial units as suggested by the appellant and owing to its height and width would be a utilitarian structure. The entire mast would be visible along Huddersfield Road

and on approach from Hall Balk Lane and Salisbury Terrace. In these views, the proposal would appear jarring against the trees and vegetation which provide a soft backdrop. As such, it would be starkly incongruous and would contrast with the verdant qualities of the locality, including the adjacent HRCA.

11. The appeal proposal's height would appear to be necessary to enable local provision, clear surrounding buildings and trees and meet guidelines for non-ionising radiation protection. However, while it may be that it has been designed to provide the best mobile experience for customers and capacity for sharing, the proposal would nevertheless still be a substantial structure in an open area of pavement.
12. The Grade II listed building of the former Barnsley College is located opposite the appeal scheme on Huddersfield Road. Its significance includes the period architecture and associated appearance, comprising brick and finely dressed stonework. The setting of the former college comprises the streetscape within which it is located, including the appeal site.
13. The designated heritage asset is largely set back from the road, as such, there is to some extent a degree of physical and visual separation with the architectural interest of the Grade II listed building, which is not directly experienced from the appeal location. However, there would be clear views of the monopole projecting above the trees, and the modern design would be noticeable against the existing verdant backdrop and traditional appearance of nearby properties. Viewed in this context, the proposal would appear out of place, detracting from the streetscape and the asset in views along Huddersfield Road and Salisbury Terrace, having a detrimental effect on the asset's setting. Consequently, the proposal would not preserve the special architectural interest of the listed building.
14. Having regard to the above and taking into account my previous findings that the proposal would not blend into the townscape and rather would be a much more conspicuous and intrusive feature in the surrounding area than the existing monopole to be replaced, it would have a detrimental effect on the historic environment. It follows that I find that the proposal would have a harmful effect on the setting and significance of both the HRCA and the listed building. The appellant suggests that the monopole could be coloured to minimise its appearance. However, given the site's sensitive location adjacent to heritage assets, and the proposals width and height, this would not resolve the visual effect of the proposal.
15. The harm that I have identified would be 'less than substantial' harm to the contribution that the setting makes to the significance of the HRCA and the listed building. The Framework indicates that great weight should be given to the conservation of heritage assets, irrespective of the level of harm. Any harm to the significance of a designated heritage asset should also require a clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
16. Paragraph 114 of the Framework outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks. The scheme is required to manage increased demands in data and the appellant has demonstrated that there is a

particular need for the proposed telecommunications equipment in the area which is said to have poor access to digital services. I acknowledge the numerous economic and social benefits arising from a 5G network and that the monopole would ensure site sharing by multiple operators, including the Emergency Services Network. These are clear public benefits of the proposal.

17. The appellant indicates that the principle of the siting of the monopole is already established based on the previously discounted options presented at the application stage for the existing installation. It is also stated that given the required height of the monopole available rooftops would not be suitable and there are no other viable alternative options in what is said to be a constrained cell search. As such, no further alternative site options have been investigated to support the appeal scheme and I have limited evidence regarding previously discounted sites.
18. While noting that the appeal scheme is to upgrade an existing site and is not a new additional monopole, it is in a different location and is not comparable in scale or appearance to the existing installation. Given the differences I am not therefore satisfied that a robust review of the availability of alternative sites for the appeal scheme have been properly explored, in line with the provisions of Section 10 of the Framework. Consequently, it has not been demonstrated that the appeal site represents the only viable option.
19. The Framework supports the expansion of electronic communications networks, including next generation mobile technology and as stated there would be important social and economic public benefits from the proposed development addressing an identified need for additional communications apparatus in the area which weigh in favour of the appeal scheme. However, I am not satisfied that less harmful alternative sites have been properly explored and in any case, it is my overall view that the need for the proposed development does not outweigh the harm to the character and appearance of the area, including the great weight to be given to the less than substantial harm to the setting of the HRCA and the Grade II listed building, arising from the siting and appearance of the proposed development.
20. To conclude, I find that the siting and appearance of the proposed installation would be harmful to the character and appearance of the area, including the setting and significance of the HRCA and the nearby Grade II listed building. Insofar as they are material considerations, the proposed installation would be in conflict with policies GD1, D1, HE1 and HE3 of the Barnsley Local Plan (2019). Amongst other things, these policies require development to respect local character and conserve Barnsley's historic environment. It would also be contrary to the heritage protection policies of the Framework, and it's overarching principles for development to achieve well-designed places for the long term.

Other Matters

21. While the appellant has expressed frustrations with the Council's handling of the case, this has not affected my consideration of the planning merits of the scheme.

Conclusion

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

F Harrison

INSPECTOR