



Appeal Decision

Site visit made on 18 October 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/R4408/W/22/3301286

Houghton Road SW, Rotherham, S63 0JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MBNL, (EE (UK) Ltd and H3G (UK) Ltd) against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/1619, dated 2 December 2021, was refused by notice dated 25 January 2022.
 - The development proposed is the installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets and development ancillary thereto to replace the existing rooftop installation adjacent.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. Houghton Road is wide and open, and has a long and gradual incline, however the topography in the immediate vicinity of the area is generally flat. The appeal site forms part of the public highway in front of the former public house/hotel. The existing building is particularly prominent and markedly higher than adjacent and nearby buildings. This is a mixed-use local centre, comprising nearby shops and services. There is open space and residential properties opposite the site.
4. The monopole mast, and the equipment cabinets would be positioned adjacent to the back edge of the footway behind the bus stop in front of the former public house/hotel. Whilst, this building is substantial, there is no building or structure of similar height to the monopole, including the street-lights and bus stop. The proposed monopole would be significantly higher than these and surrounding buildings.
5. The height of the mast would be further emphasised by the proximity of the open space, single storey dwellings, topography and wide-open character of Houghton Road. It would be widely visible from the public domain, including nearby single storey residential properties. Although it would be of a slim design, as a result of its height and the bulk of the antenna head the mast would be a dominant and discordant feature within the area.

6. The photomontages provided, to my mind do not serve to illustrate that the proposal would not cause harm and discordance is clear from these. From my observations, although it would be visible from distance, the prevailing impact would be within the immediate vicinity. Whilst I accept that a visual, showing the monopole in close proximity, would not have given an accurate reflection of the general appearance of the mast in its overall context, it is from this immediate context that I find the proposal would be most prominent. As such, the siting at the rear of the pavement behind the bus stop would do little to reduce the impact.
7. Although I am aware of planning application 2021/0104 for the redevelopment of the former public house/hotel to the rear, it is also currently under consideration, and I have no evidence that this is likely to be approved or implemented. Therefore, I can only attribute it very limited weight.
8. I also did not find the appeal site to be such an active location at the time of my site visit. Whilst I appreciate this was only a snapshot in time, its local retail and community mixed use character, although on a main route, does not appear to be heavily commercialised. Other than the former public house/hotel at the rear of the site, other commercial buildings, structures and properties also tend to be of a domestic scale, and it is against this current backdrop the mast would appear dominant and discordant.
9. I therefore find that the proposal would cause harm to the character and appearance of the area. Consequently, it would be contrary to Barnsley Local Plan (January 2019) Policies D1 and GD1 which seek to ensure that development would reinforce the scale and layout of the locality and requires compatibility of development with neighbouring land.

Other Matters

10. Whilst the National Planning Policy Framework 2021 (the Framework) seeks to ensure that developments are sympathetic to Local character, it also supports the expansion and upgrade of digital telecommunications and technology including 5G¹. I have also had due regard to the economic, social and environmental benefits of the proposal which could support home and work life alongside the public functioning of the area through faster download/upload speed and latency. I am also mindful that the appellants have advised that the Covid-19 pandemic has increased the strain on the network. As such these benefits, some of which are public benefits, strongly weigh in favour of the proposal.
11. The Framework² also advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. The proposal also seeks to keep the amount of development to a minimum. It is acknowledged that the height is the minimum required, and that the existing equipment is unable to accommodate upgrades. Whilst this is supported by the Framework³, herein it also provides guidance that equipment should be sympathetically designed and camouflaged where appropriate. Whilst the mast is slim, for the reasons above I have found the proposal would not be sympathetic to its context. I acknowledge that the public

¹ Paragraph 114 of the Framework

² Paragraph 117 of the Framework

³ Paragraph 115 of the Framework

house/hotel the mast and equipment is sited in front of a fire damaged/dilapidated building, and the appeal site is not within a conservation area, close to any listed buildings; however, this does not justify harmful development.

12. The appellant did notify the Council and ward members. And it is evident the appellant has sought to consider alternative locations and provided justification for the development. However, in respect of the context of the redevelopment of the former public house/hotel site, I do not have the evidence to be convinced that the proximity of the foul sewer could prevent the siting of the mast, given the dimensions of the space provided and the slim nature of the mast, or even if there may be construction techniques which could facilitate this. As such whether the proposed development complies with the Council's Policy UT2, which I have not been provided with, is not justification to discount the alternative location away from the pavement.
13. Whilst I note the provision of further documents from the appellant in respect of health and public exposure⁴, I am also guided by the advice within the Framework⁵ which requires consideration of planning grounds only or set health safeguards different from the International Commission guidelines for public exposure, for which a certificate has been provided. Accordingly, this is a neutral factor in my assessment.
14. I have been provided with another appeal decision⁶. However, there are material differences between this proposal and that one. Specifically, the location, which the inspector acknowledges is dominated by highway structures and there is discussion of flatted developments, which the appellants final comments have provided photographs of. These appear to exceed the height of that slimline mast; in this case such height is not evident in the area.
15. Whilst my attention has been drawn to the changes to permitted development rights, the appellant has submitted an application on the basis that the proposal required planning permission and I have considered the appeal on the same basis. Consequently, I attach limited weight to this, and the removal of the existing equipment required.
16. I do not find the positioning or number of base cabinets to be visually harmful. I also do not find that the monopole, or associated cabinets would affect highway safety. Drivers would have to emerge clear of the adjacent wall situated along the side boundary of the adjacent business and bus stop. The mast and cabinets are set further back than this.
17. Although the appellant has stated that the proposal would not conflict with the Council's policies SD1, TC1, I1 I have not been provided with full copies of these, and in any event, they were not transposed to the reason for refusal. Nonetheless, compliance with these policies, and absence of harm in terms of residential amenity and site access is a neutral factor, which does not outweigh the conflict with those listed in the decision notice.
18. Whilst the Framework advocates building a strong and competitive economy, including recognising and address the specific locational requirements of different sectors and seeks to enhance the vitality of town centres, it also seeks

⁴ ICNIRP Public Exposure Guidelines Certificate and Mobile UK, 5G and Health 2019

⁵ Paragraph 118 of the Framework

⁶ APP/Q1445/W/20/3249294

to ensure that development is sustainable. I agree the proposal would fulfil some of these aims. However, the Framework encompasses environmental objectives against which the proposal would fail for the reasons set out above. It conflicts with the aims in section 12, which seek to achieve well-designed places and I therefore do not find that this is sustainable development.

Conclusion

19. Although, there are benefits arising from the development, the proposal would not accord with the development plan, when considered as a whole. Having regard to all relevant considerations including national planning policy, I do not consider that the benefits of the installation in terms of the enhancement of the telecommunications network outweigh the harm that would arise to the character and appearance of the area.
20. For the reasons given above the appeal is dismissed.

K Williams

INSPECTOR