



Appeal Decision

Site visit made on 27 September 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal Ref: APP/R4408/W/22/3298388

Vernon Road, Ward Gren, Worsborough S70 5BB

- 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 (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/1465, dated 29 October 2021, was refused by notice dated 10 December 2021.
 - The development is the proposed erection of a 20 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.
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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 (GPDO 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. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far 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 proposed installation 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 suitable alternatives.

Reasons

5. The appeal site is a grass verge alongside Vernon Road, which rises from South to North at this section. Beyond the site is a retaining wall, a grassed area, and then residential property with an access road to serve the properties. There are residential properties on the opposite side of Vernon Road, as well as a copse of trees.
6. The appeal proposal is for a 20m telecommunications pole, with a cabinet at the base and three additional cabinets. The pole and cabinets are all to be grey in colour.
7. The appellants state that the proposed mast would facilitate Fifth Generation (5G) connectivity. The proposal would be visible above the existing streetscene profile of streetlights and residential property when seen in its context. The scale of the mast is strident, industrial in nature and has the external appearance of a structure more often seen in commercial or industrial areas and the mast would appear dominant in the locality and be harmful to the character and appearance of the area
8. The mast would be relatively slender in design, and a portion of the overall height is made up of antennas but would look significantly larger than any surrounding structures. I find that the mast and associated cabinets would introduce "street clutter" into the area and harm the character and appearance of the area by adding such an industrial style of development into the wider residential and grassed area.
9. I acknowledge the design attempts that have sought to minimise the impact of the pole, however the differences in height and thickness of the pole, in comparison with the surroundings, together with the additional clutter, would be very apparent. The proposed mast would be a discordant feature unlike anything around it which would be detrimental to the character and appearance of the area.
10. Paragraph 114 of the Framework states that such telecommunications development is essential, and the expansion of electronic networks should be supported, including the next generation of mobile phone technology.
11. Paragraph 117 of the Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration. Additions to an existing mast or base station are excluded. As the proposal is a new siting, alternative sitings must be assessed. Considerable information has been supplied as evidence to show that this has been carried out and I am content that this has been carried out to an acceptable level.
12. On the evidence before me, the development would comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). As such, the Framework advises that health safeguards are not something which a decision-maker should determine. No substantive evidence is before me to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. I also note that the Council did not object to the development for these reasons.

13. The Framework recognises that planning decisions should support the expansion of electronic communications networks and the appellant has provided the necessary evidence to justify the proposed development. Even when taking the above into consideration, I have found the siting and appearance of the development would result in harm to the character and appearance of the area, which is not outweighed by these other considerations.
14. I have considered the economic and social benefits of the proposal, and the supporting documentation provided that demonstrate the merits of an effective communications network. Nonetheless, I do not find these benefits outweigh the harm that would be generated by the siting of the mast and associated works in such a prominent location.
15. Due to the layout of the street scene, and the highway layout, the mast would be visible from some distance when approaching from either main direction, further amplifying its incongruous nature.
16. The harm to the character and appearance of the area must be balanced against the economic and social benefits of the proposal. Paragraph 114 of the National Planning Policy Framework (the Framework) recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Consequently, it advises that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).
17. In this case, the appellant's evidence demonstrates that there is a need for a new mast in the area, In accord with the advice at paragraph 118 of the Framework, the Council does not question the need for improved coverage.
18. Nevertheless, Paragraph 115 of the Framework advises that the number of telecommunications masts should be kept to a minimum, consistent with the needs of consumers, the efficient operation of the network, and providing reasonable capacity for future expansion.
19. The proposed mast would provide a reliable 5G service to the area. Faster and more reliable connectivity to digital services would provide economic and social benefits to residential occupants. These would be wide-ranging, including smarter public services. However, these benefits must be weighed against the significant harm that the proposal would have on the character and appearance of the area.
20. I appreciate the value of telecommunications within the technology and communications industry. However, a balance should be struck between visual impact and need. I apportion significant weight to the harm I have explained would arise to the character and appearance of the local area by siting the monopole here. It would appear visually incongruous. Therefore, even though they state this may be an optimal site, the harm that would arise to the character and appearance of the area would on balance, outweigh the benefits of the proposal.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR