BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2006/1644

To Stappard Howes
6 Evans Business Centre
Hartwith Way
Harrogate
HG3 2XY

Proposal Installation of a 20m high monopole with equipment cabinet (Revised Submission).
At South Yorkshire Marble Company, 82 Barnsley Road, Wombwell,, Barnsley.

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 02 October 2006and described above.

The reason(s) for the Council's decision to refuse planning permission is/are:

1 In the opinion of the Local Planning Authority the height and prominence of the proposed installation, in addition to the three existing masts, will create significant visual intrusion harmful to the street scene, contrary to PPG8 and Policy "UTL5" of the UDP.

Signed
Assistant Director, Planning and Transportation

Dated 06 November 2006

Planning and Transportation Service
Central Offices, Kendray Street, Barnsley. S70 2TN
Telephone: 01226 - 772600
Fax: 01226 - 772599

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to refuse permission for the proposed development then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

Planning and Transportation Service
Central Offices, Kendray Street, Barnsley. S70 2TN
Telephone: 01226 - 772600
Fax: 01226 - 772599

Appeal Decision

Site visit made on 1 August 2007

by Peter Eggleton MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Date: 4 September 2007

Appeal Ref: APP/R4408/A/07/2040952

South Yorkshire Marble Company, 82 Barnsley Road, Wombwell, Barnsley S73 8DJ.

- 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 O2 (UK) Ltd against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2006/1644, dated 19 September 2006, was refused by notice dated 6 November 2006.
- The development proposed is a 20 metre high steel monopole together with associated ground based equipment cabin with secure fenced compound. Unmanned telecommunications radio base station.

Decision

1. I dismiss the appeal.

Reasons

2. There is no dispute between the parties with regard to the need for additional coverage and on the information provided I see no reason to reach a different conclusion. I note the health concerns raised by third parties but the appellants advise that the proposal meets the guidelines published by the International Commission on Non-Ionizing Radiation Protection on public exposure to radio waves. *Planning Policy Guidance Note 8: Telecommunications* (PPG8) advises that in these circumstances planning permission should not be withheld and in this case I find no over-riding reason to set-aside Government advice.

3. The main concern raised by the Council relates to the impact of the proposal on the character and appearance of the area. The base station would not be visible from public vantage points but the mast would be clearly visible from a wide area. This is evidenced by a 20 metre and two 15 metre high masts already in this location. These masts already represent a string of unsightly development that would be consolidated by this proposal. The appellant has identified alternative sites but has also provided evidence to demonstrate that none of them are either suitable or available. The Council has not provided any evidence to dispute these findings and I find the information convincing. I am therefore satisfied that this general area represents the most appropriate location for telecommunication infrastructure.

4. I share the Council's concern that mast sharing has not been adequately investigated. The appellants state that they will demonstrate why such an approach would be more harmful than an additional single monopole, but this evidence has not been submitted other than a statement to suggest that mast sharing would result in a higher more obtrusive structure. I am also concerned that the operators currently using the existing 15 metre masts may wish to improve their equipment in the future. Without a move towards mast sharing this would further increase the harm from the accumulation of structures. Whilst 3 monopoles have already been accepted on this site, I do not know the circumstances that led to these decisions. They do not represent a good reason for adding an additional 20 metre high monopole.

5. Given my findings above, I consider that the proposal fails to satisfy Policy UTL5 of the Unitary Development Plan which includes a requirement that regard be had to the presence of other telecommunication facilities within and around the site. I have not been satisfied that mast sharing would result in greater harm to the character and appearance of the area and consider that such an approach would be likely to achieve environmental improvements, particularly in the longer term. The proposal therefore also fails to satisfy the aspirations of PPG8 which advises that the sharing of masts and sites is strongly encouraged where it represents the optimum environmental solution in a particular case. I have considered all the matters put forward in support of this proposal but do not find that any are sufficient to outweigh my concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR