The Planning Inspectorate

Appeal Decision

Site visit made on 24 May 2023

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2023

Appeal Ref: APP/P4225/W/22/3311301
Container Yard, Chichester Street, Milnrow, OL16 2AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).
- The appeal is made by Cornerstone against the decision of Rochdale Metropolitan Borough Council.
- The application Ref 22/00392/TELE, dated 18 March 2022, was refused by notice dated 17 May 2022.
- The development proposed is described as installation of a 20-metre-high lattice tower supporting 6 No. antennas: 1 No. GPS module, 2 No. 300mm transmission dishes, 18 No. remote radio units (RRUs), together with 3 No. equipment cabinets, 1 No. meter cabinet and ancillary development thereto, including a 2.4m palisade fence with 1m wide access gate.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address and description of proposed development provided on the application form. The address provided along with the submitted plans identify the site location. I have not been provided with any evidence that the appellant agreed to a change of description. As the description provided on the application form describes the proposal, I see no need to alter it.

3. The provisions of the GPDO require the local planning authority to assess the proposed development solely based on its siting and appearance, taking account of any representations received. My determination of the appeal has been made on this basis. I note that there is no definition of the terms siting and appearance in the GPDO or in extant national planning policy or guidance. I consider that any matter that directly relates to siting or appearance can therefore be taken into account.

4. The principle of development is established by the GPDO. 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 therefore only had regard to development plan policies in so far as they are material to matters of siting and appearance.

Main Issues

5. The main issues are:

- whether the siting and/or appearance of the proposed development is acceptable with regards to its effect on the character or appearance of the area, and
- if any harm is found, whether this is outweighed by the need to site the installation in the location proposed, having regard to the availability of suitable alternative sites.

Reasons

Character and appearance

6. The proposed 20 m tower and associated equipment would be sited within, and close to, the northern boundary of land currently used as a container yard, which is located at the eastern tip of an industrial estate. I note the Council claim that use of the site for such purposes does not benefit from planning permission. However, I do not know the full details of this matter. I have therefore appraised the impact of the proposal based on the assumption that the premises within which the proposal would be sited at least forms part of the industrial estate. There is a wall around 2.6 m high along the northern and eastern boundaries of the premises. From what I was able to observe during my site visit, there are no buildings or structures within the container yard higher than single storey.

7. There is an area of open space located immediately beyond the northern boundary of the container yard, and a residential estate north/north-east of the open space. The appellant notes that the open space is not designated or protected green space within the local plan. Nevertheless, it was evident from my site visit, due to the worn path that goes through the open space between Burchall Field and Belfield Lane, that residents regularly pass through it.

8. Additionally, the nature of the space, ie a mown grassed area with low level trees around the perimeter and several recently planted trees scattered across the area, is such that it is highly likely that residents informally utilise the green space for leisure purposes. Furthermore, the space serves as an important separation of the residential development north-west of the space and the industrial development west of it.

9. The proposed 20 m high lattice tower and associated equipment would be sited within the container yard very close to the existing wall located along the northern boundary of the premises. When viewed from the open space the tower, with associated antennas and dishes attached towards its top, would extend 17.4 m above the existing wall. I accept that the associated equipment cabinets, palisade fence and gate would not be visible from public vantage points. However, due to the siting, height, scale and appearance of the proposed tower and the associated antennas and dishes, it would be a very prominent structure that would dominate the southern boundary of the open space and the skyline.

10. Existing trees south-east of the container yard, which serve as a significant backdrop to an existing Network Rail telecommunications mast, sited immediately to the south-east of a railway line that runs past the south-eastern boundary of the container yard, would not serve as a beneficial backdrop to the proposed tower. This is because when viewed from the open space the tower would be seen as extending significantly above the tree line.

11. For these reasons I conclude that the siting and appearance of the proposed lattice tower and associated antennas and dishes would have a detrimental impact on the open, spacious character and appearance of the green space immediately north of the site. Although not determinative, in this regard the proposal would not accord with policies P1, P3 and DM1 of the Rochdale Adopted Core Strategy, 2016, (CS), or paragraph 130 of the National Planning Policy Framework (the Framework). These policies collectively, and among other things, require all new development to be of high-quality design, to respect its context having regard to eg scale and height, to be sympathetic to local character, and take the opportunity to enhance the quality of the area.

Potential availability of alternative sites and other considerations

12. Paragraph 115 of the Framework advises that the number of telecommunications masts and the sites for such installations should be kept to a minimum; and that the use of existing masts, buildings and other structures should be encouraged. However, it is recognised that these factors must be consistent with the needs of consumers, the efficient operation of the network and provide reasonable capacity for future expansion. It is also recognised that new sites may be required for the delivery of some services, such as 5G.

13. Paragraph 117 of the Framework advises that applications for electronic communications development, including applications for prior approval under the GPDO, should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.

14. Paragraph 81 of the Framework advises that significant weight should be placed on the need to support economic growth and productivity. Paragraph 114 advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that the expansion of electronic communications networks, including next generation mobile technology, such as 5G, should be supported.

15. The proposed tower and associated equipment would upgrade and replace radio coverage that will be lost from an existing monopole located on Milnrow Road. The appellant contends that the replacement equipment must be as close as possible to the equipment being replicated (paragraph 1.13 of the appellant's statement of case (SoC)). Furthermore, the appellant contends that potential locations for the proposed replacement equipment must fall within the circumference of the circle shown on the illustration provided in paragraph 1.13 of the SoC. Although the suggestion that the proposed tower needs to be close to the mast it will replicate seems reasonable, the appellant has not provided any data related to cell coverage. Consequently, there is little substantive evidence to support the assertions.

16. I have taken account of the alternative sites the appellant has considered. However, even if I accept that the proposal must be sited within the circumference of the circle shown, *and* that the alternative sites considered by the appellant are not suitable, it seems to me that if the proposed tower was sited close to the south-eastern boundary of the container yard, just within the circumference shown, it would have less impact on the character and appearance of the area than where it is proposed to be located. Such a location would seemingly enable the same coverage to be provided; the proposed

development would still be close to existing infrastructure; the equipment would still be sited on an industrial estate, and the tower would still be able to be shared in the future. Therefore, even if I accept the appellant's assertions referred to above, I consider there to be a preferable, alternative site regarding siting.

17. I note the appellant's reference to other appeal Decisions where Inspector colleagues have attached significant weight to social and economic benefits of telecommunications development. I acknowledge the extensive economic and social benefits (detailed in the appellant's submissions), that would ensue from the proposal for individuals, businesses, and public services. However, as the same benefits could be achieved by siting the proposed development in a preferable location, I attach limited weight to them.

Conclusion

18. I have found that the proposed tower and associated antennas and dishes would significantly harm the character and appearance of the area. Although detailed data relating to cell coverage has not been provided, even if I accept the contentions of the appellant referred to above, I consider that there would be an alternative location for the proposal that would have substantially less impact on the character and appearance of the area than the location proposed. Consequently, for the reasons provided, I consider the other considerations outlined, including the social and economic benefits, do not outweigh the significant harm I have found in respect of the character and appearance of the area. The appeal is therefore dismissed, and prior approval is not granted.

J Williamson

INSPECTOR