



Appeal Decision

Site visit made on 31 January 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2024

Appeal Ref: APP/P4225/W/23/3325785

Heights Lane, Rochdale OL12 0QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Cornerstone against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref is 22/01485/TELE.
 - The development proposed is the installation of a 20m monopole tower to support 6 antennas, associated radio-equipment housing and ancillary development.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a 20m monopole tower to support 6 antennas, associated radio-equipment housing and ancillary development at Heights Lane, Rochdale OL12 0QA in accordance with the application 22/01485/TELE and the details submitted with it including plan nos: 100 Rev B Site Location Maps, 201 Rev C Proposed Site Plan and 301 Rev C Proposed Site Elevation, subject to the following condition:
 1. The development hereby approved should be coloured black or dark green prior to installation and shall be retained and maintained as such thereafter.

Preliminary Matters

2. I have utilised the description of the proposal from the decision notice in my above heading as this more accurately and succinctly describes the proposal than that on the application form.
3. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination has been made on this basis.
5. 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 to be had to

the development plan. I have, though, had regard to the policies of the development plan, including the Rochdale Adopted Core Strategy (Core Strategy), as well as the Framework insofar as they are material considerations relevant to matters of siting and appearance.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on (i) the character and appearance of the area, having regard to the setting of the listed Falinge Park; and (ii) 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

7. The appeal site is situated at the edge of an open area of land to the east of Heights Lane beyond which are two storey residential properties. On the other side of Heights Lane to the west is Falinge Park, a Grade II registered Park and Garden. The presence of these areas of open space, some of which are bounded by mature trees, as well as the varying topography which provide for far reaching views, contribute to the verdant, spacious character of the area.
8. The appellant has set out that the lowest impact design has been selected and alternative designs would be bulkier. The appearance of the proposal is also governed by technical requirements. Nonetheless, it is still necessary to consider the effect of the siting and appearance of the proposal.
9. The proposed pole, at a height of 20m would be noticeably taller than any of the nearby built or natural features. Whilst recognising the different function that streetlights perform from the appeal proposal, and the intended alignment of the proposal with these street furniture items, the height and the bulk of the pole would appear out of scale in these surroundings.
10. There are existing masts nearby, but the appeal proposal is situated at a higher level than them and adjacent to a large open space which is identified as a Greenspace Corridor. Although nearby trees would provide screening or a backdrop to the proposal, this would only be the case from certain vantage points. In a number of views from the adjacent open space and along Heights Rd, the proposed pole would be clearly seen and appear as a prominent feature in largely open surroundings.
11. The appeal proposal would be situated close to a grade II listed park and garden, Falinge Park. Its significance derives from it being an early twentieth century example of a public park that derived from a private estate. It is bounded by stone walls to Heights Lane which extends along most of its length in combination with dense planting. Although the proposal would not block views towards Falinge Park, the utilitarian, functional appearance of the appeal scheme would contrast with the traditional form of the boundary treatment to the park and its verdant setting. As such, it would harm the setting of the listed park and garden, with the scale of the harm being of a moderate nature.
12. The proposed cabinets would be low level structures, as would the retaining wall, and I do not therefore consider they would unacceptably harm the character and appearance of the area, or the setting of the listed park and garden.

13. Nevertheless, on this issue, for the reasons set out, I conclude that the siting and appearance of the proposed installation would result in harm to the character and appearance of the area and to the setting of the listed Falinge Park. The proposal would conflict with, insofar as they are material considerations, paragraph 119 of the Framework and Policies P1, P2, P3 and DM1 of the Core Strategy, which require, amongst other matters, high quality design that takes the opportunity to enhance the quality of the area.

Need

14. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Reference has also been made to the Code of Practice on Wireless Network Development in England which states that the demands for mobile data are increasing and the importance of ensuring everyone has access to dependable and consistent mobile coverage where they live, work and travel. The proposed mast would provide 5G coverage where more equipment is required than previous technologies to provide coverage and capacity. A number of public benefits have been set out of improved connectivity, to businesses and communities and to the environment. The benefits extend to health and educational outcomes. The Council has stated that there is no evidence that this area would benefit from the proposed coverage. It is however evident from the various evidence provided that there is an increasing demand for mobile connectivity, and this proposal is for new 5G coverage that the existing nearby mast cannot accommodate. The need for the proposed development therefore carries significant weight.
15. I note the Council raised concerns about the assessment of alternative options, and whilst they have stated that no detailed information on other alternative sites/rooftops has been provided, they have not put forward any alternative sites that could potentially accommodate the proposal. The appellant considered and discounted 14 sites, in a range of locations, and set out the reasons for discounting them. I find the analysis of potential alternatives to be sufficiently comprehensive to demonstrate that there are not less harmful alternatives and that without the appeal proposal, the benefits set out would not be realised.
16. The proposal would, as a result of its siting and appearance, harm the character and appearance of the area and the setting of listed Falinge Park. However, the moderate scale of the harm would be outweighed by the significant public benefits that would arise from the proposal where the evidence demonstrates that less harmful alternatives do not exist. The proposal would therefore accord with the Framework, which supports the expansion of electronic communications networks, including next generation mobile technology such as 5G.

Other Matter

17. Reference has been made to other appeal decisions as well as approvals by the Council. From the information presented on these decisions, it appears that the circumstances of these schemes differed from the appeal proposal. Each case should be determined on its own merits, and I can confirm that I have considered this appeal accordingly, based on the evidence before me.

Conditions

18. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place. A condition is also necessary to control the colour of the proposal in the interests of the character and appearance of the area and the setting of the heritage asset.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR