



---

## Appeal Decision

Site visit made on 5 April 2024

**by J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 April 2024**

---

**Appeal Ref: APP/P4225/W/23/3328202**

**Hamer Lane Street Works, Hamer Lane, Rochdale OL16 2LU**

- 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 Cooke of CK Hutchison Networks (UK) Limited against the decision of Rochdale Metropolitan Borough Council.
  - The application Ref is 23/00159/TELE.
  - The development is described as a proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
- 

### Decision

1. The appeal is allowed and 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 siting and appearance of a proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets at land at Hamer Lane Street Works, Hamer Lane, Rochdale OL16 2LU in accordance with the application 23/00159/TELE and the plans submitted with it including: -
  - Drawing No: ROD21252\_ROD179\_88542\_OL0419\_GA\_REV B
    - 002 Site Location Plan; 215 Proposed Site Plan; and 265 Proposed Site Elevations.

### Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, 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. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies P1, P3, DM1 and T2 of the Rochdale Adopted Core Strategy, October 2016 are material considerations insofar as they relate to issues of siting and appearance.

4. Since the appeal was submitted, the Council has adopted Places for Everyone<sup>1</sup> as part of the Development Plan for Rochdale. The main parties were given the opportunity to comment on the adopted plan, and I have taken into account the comments raised.
5. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is also a material consideration to this appeal, including its section on supporting high quality communications. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.
6. The appellant's appeal statement refers to the proposed development as comprising a 15 metre high monopole with a wraparound cabinet and 3 additional equipment cabinets. Neither the description on the application form nor the submitted plans indicate a wraparound cabinet. Also, one of the reasons for refusal refers to a 16 metre high monopole but the description of development and the submitted plans indicate a 15 metre high pole. I have therefore based my assessment on the description on the application form and the submitted plans.

## **Main Issues**

7. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area and the free flow of pedestrians and, 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**

### *Character and Appearance*

8. The area is characterised by a mix of commercial and residential properties. The proposed installation would be sited within the pavement on the corner of Halifax Road (A58) and Hamer Lane. Halifax Road is a busy main road and whilst most buildings are two-stories high, there are various items of street furniture and features including a large digital advertisement hoarding close to the appeal site. There is also a fire station with a tall free standing sign and warning lights. On the opposite corner of Hamer Lane and Halifax Road there is a petrol filling station with canopy signage and a tall free standing advertisement sign.
9. The installation would be located a short distance in front of a tall fence set at the back of the pavement. Against this backdrop the cabinets would be lower in height than the fence and modest in size and number (3 cabinets are proposed). The street pole would be taller than anything immediately around it but also would be seen against the fence when viewed close up. Views of the pole from further away would be seen against the lampposts and other features referred to above. The large illuminated digital advertisement in particular, is

---

<sup>1</sup> Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, Adopted 21 March 2024.

very prominent in the street scene. Amongst these various features, the pole would not appear unduly prominent or intrusive.

10. The Council consider that the proposed installation would be unshielded and therefore prominent when viewed by local residents or passers-by. For the reasons I have stated, I disagree that the height, design or colour of the pole or the cabinets would be unduly harmful in this regard. Within this setting therefore, the design of the proposal would be acceptable and camouflaging, as suggested in paragraph 119 of the Framework, would not be necessary.
11. For the above reasons, the siting and appearance of the proposed installation would be acceptable and would not have a harmful effect on the character or appearance of the surrounding area.

### *Pedestrians*

12. The pavement on Halifax Road, is wide and although it narrows as it rounds the corner into Hamer Lane, it allows pedestrians to pass freely. There are tactile pavement crossings on Halifax Road and Hamer Lane. There is an existing metal cabinet set in the grassed area adjacent to the fence and another smaller one at the back of the pavement. These are small scale and do not affect the use of the footway.
13. The proposed pole and cabinets would be located in a wide section of the pavement at the corner of the two roads. They would be sited in front of the fence within the pavement and they would reduce its width at this point. However, the remaining space would still be wide enough to allow pedestrians to pass including users of wheelchairs and pushchairs.
14. The Council has expressed concern that the position of the equipment restricts the available space for pedestrians which could cause collisions if larger vehicles over-run the footway. This could also affect future maintenance responsibilities of the Highway Authority and hinder any junction improvements.
15. There is no substantive evidence to show that the installation would cause the footway to become sub-standard in width. Furthermore, there is nothing before me to demonstrate that vehicles over-run the footway. No explanation is given as how the proposal would affect future maintenance responsibilities and no information has been submitted that there are any plans for junction improvements in this location.
16. Furthermore, the appellant describes the appeal site as being on the Adopted Roads Register with the proposal located within the Adopted Highway. However, there is no explanation as to why the Highway Authority would not be able to utilise its statutory duties if road improvements works were needed or if the installation was found to obstruct the highway in any way.
17. It is suggested that the pole and cabinets could be located closer to the fence. From my observations this would only allow the equipment to be moved a short distance given the limited space between the fence and the installation as proposed. However, no revisions to the submitted scheme are before me. In any event, I have found no harm with regard to this main issue.

18. On the basis of the evidence before me, the siting and appearance of the proposed installation would be acceptable and would not hinder the free flow of pedestrians, including wheelchair and pushchair users.

#### *Alternative Sites*

19. The Council query whether alternative sites have been thoroughly explored and whether other more viable options than that proposed here and those listed and discounted by the appellant are available. It has also questioned the cell search area and drawn my attention to another appeal in the area where the Inspector questioned the robustness of the assessment of alternative sites<sup>2</sup>. I have only limited information about that scheme and so am unable to draw any conclusive similarities. In any case, as I have found that the proposal would not harm the character or appearance of the area or the free flow of pedestrians, there is no need for me to consider this matter further.

#### **Conditions**

20. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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.

#### **Conclusion**

21. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

*J D Clark*

INSPECTOR

---

<sup>2</sup> APP/P4225/W/20/3259908.