The Planning Inspectorate

Appeal Decision

Site visit made on 7 March 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2023

Appeal Ref: APP/A4520/W/23/3315064
Land off Cleadon Lane, Cleadon Lane, East Boldon, Sunderland NE36 0AJ

- 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 Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by EE Ltd and Hutchison UK Ltd against the decision of South Tyneside Council.
- The application Ref ST/0918/22/TPN, dated 29 October 2022, was refused by notice dated 4 January 2023.
- The development proposed is described as NTQ proposed telecommunications installation. Proposed 30m High Valmont climbable monopole on 6.6 x 6.6 x 1.4m deep concrete base with 6No. Antenna Apertures at 300°/120°/190° and 4No. 600ø dishes, RRU's, MHA's, active routers and BOB's to be fixed to support poles below antennas and associated ancillary works.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the Council 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.

Planning Policy

3. The principle of development is established by the GPDO and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policy EA1 of the South Tyneside Core Strategy (2007) (CS), Policy DM1 of the South Tyneside Development Management Policies (2011) (DMP), and policies EB2, EB5 and EB6 of the East Boldon Neighbourhood Plan (2021) (NP) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure the natural environment is conserved and that development is well designed in relation to its surroundings.

4. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.

5. While the site is located within the Green Belt, as the principle of development is not for consideration, the question of whether or not the proposal represents inappropriate development in the Green Belt does not arise.

Main Issue

6. 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 any suitable alternatives.

Reasons

7. The appeal site is part of an area of agricultural land between Cleadon Lane and the rear of properties that front West Drive. It is part of a green infrastructure corridor of open countryside, separating the villages of East Boldon and Cleadon. Although bordered by residential development and the Cleadon Lane Industrial Estate, the appeal site is spatially separate and so does not have semi-urban characteristics. Instead, the appeal site and its immediate context is of a distinctly different character from the built -up areas. The agricultural land is predominantly open which results in it having a verdant and semi-rural character, providing important visual relief from the surrounding built form.

8. There are a number of vertical features nearby to the site, including street lights and telegraph poles adjacent to Cleadon Lane, and an electricity pylon close to the rear of properties that front West Drive. A number of trees and hedges are spaced out along Cleadon Lane and mark the field boundary adjacent to the appeal site.

9. The proposed monopole would be of considerable height at 30 metres to the top of the tower. The structure would be a significant and intrusive feature within the surrounding area. While the monopole is relatively slender, the extent of the proposed apertures to be affixed to it would result in a bulky appearance. Moreover, the proposed high mesh panel fence with razor wire coil would not respond positively to its countryside context.

10. The monopole would be appreciably higher than other vertical elements in the surrounding area and would project above the vegetation. Consequently, it would be in clear view by road users and pedestrians on Cleadon Lane, from residential properties on West Drive and by road users and pedestrians on Whitburn Road. Although the appeal site's position is near a highway, due to its utilitarian appearance the proposed development would be an intrusion of an urban form of development that would be detrimental in this open countryside gap between two settlements.

11. The proposal, from some vantage points either side of the agricultural land, would be viewed within a backdrop of residential or industrial development. Nevertheless, it would be readily apparent that the proposal would be an incongruous form of urban development within a countryside location. The entire mast would be visible along Whitburn Road, from where ground cover vegetation and trees are more sparse and open views across agricultural land of the proposal would be prominent within the otherwise verdant parcel of land between two settlements. In these views, the proposal would appear jarring

against the backdrop and open appearance of the semi-rural location, detrimental to the visual relief currently provided by the site.

12. I acknowledge that there is an electricity pylon nearby, which is itself significantly taller than the buildings and other vertical elements in the street-scene. However, this does not mitigate against the harm I have found, or otherwise lends support to the development. Despite being of a similar height, the pylon is so markedly different in appearance and character to the appeal proposal, that it cannot be used as a relevant comparison.

13. The appeal proposal's height is necessary to enable local provision, clear surrounding buildings and meet guidelines for non-ionising radiation protection. It has also been located as far as possible away from residential properties and businesses. However, while it may be that it has been sited as close as possible to the existing installation and designed to provide the required coverage and capacity for sharing, the proposal would nevertheless still be a substantial structure in an area of open countryside.

14. Paragraph 114 of the Framework outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Furthermore, planning decisions should support the expansion of electronic communications networks.

15. Paragraph 117 of the Framework advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed installation. In the case of a monopole this includes a demonstration that the applicant has explored the possibility of siting antennae on existing buildings, masts or other structures.

16. The proposal would replace an existing installation, following the receipt of a Notice To Quit (NTQ). It would maintain the level of service, offer improved connectivity and would aid the roll out of enhanced electronic communication facilities. The monopole would ensure site sharing by multiple operators, including the Emergency Services Network. These are clear benefits of the proposal.

17. The appellant has set out the sequential approach in relation to suitable alternative sites for the proposed development. It has identified the search area, which is centred on the NTQ site where the existing mast is located. Alternative locations for the siting of the proposal within the search area are assessed and have been discounted by the appellant.

18. One such alternative location is the Cleadon Lane Industrial Estate. The whole of the estate was discounted due to it being proposed to be designated in the emerging South Tyneside Local Plan as a regeneration site, including an allocation for mixed used development comprising residential and employment land. However, there is no clear evidence to explain why the entire industrial estate has been discounted, particularly given the Council's pre application advice which set out that some parts of the industrial estate are not currently proposed for development.

19. The Council's submissions clarify that the industrial estate is not proposed to be designated as a regeneration site, but that the northern part of the estate is subject to a proposed allocation for housing and the southern part is proposed as an employment allocation in the emerging Local Plan. The emerging plan

has not yet been subject to an examination process to determine its soundness, and as such has limited weight. Importantly, it is not part of the development plan, as suggested by the appellant in their statement.

20. While the Council has recently granted planning permission for a housing scheme on the northern part of the industrial estate, no substantive evidence has been provided exploring the possibility of siting the mast in the southern part of the industrial estate, which could reduce the impact of the installation on the surrounding area. The Council are of the view that the industrial estate may provide a less harmful siting option.

21. Consequently, based on the evidence before me, I am not satisfied that a robust review of the availability of alternative sites within the search area has been undertaken to demonstrate that the appeal site represents the only viable option. As such, the proposed installation would be contrary to the aims of Section 10 of the Framework, which requires evidence to demonstrate that alternative sites have been explored.

22. To conclude, I find that the siting and appearance of the proposed installation would be harmful to the character and appearance of the area. Insofar as they are material considerations, the proposed installation would be in conflict with Policy EA1 of the CS, Policy DM1 of the DMP, and policies EB2, EB5 and EB6 of the NP. Amongst other things, these policies seek to conserve the best qualities of South Tyneside's natural environment by focusing development within the East Boldon settlement boundary and preserving the special and separate characters of the urban fringe villages. Development should be designed to convey sensitive considerations of its surroundings having regard to scale and proportions.

23. It would also be contrary to the overarching principles of the Framework for development to achieve well-designed places for the long term.

Planning Balance and Conclusion

24. I acknowledge that the appellant has demonstrated that there is a particular need for the proposed telecommunications equipment in the area to maintain network coverage following an NTQ for an existing mast.

25. The Framework supports the expansion of electronic communications networks, including next generation mobile technology and there would be important social and economic benefits from the proposed development which weigh in favour of the appeal. However, I afford significant weight to the harm to the character and appearance of the area arising from the siting and appearance of the proposed development. I am not convinced that less harmful alternative sites have been properly explored and it is my overall view that the need for the proposed development does not in this case, outweigh the harm.

26. For the reasons given above, and having regard to all relevant matters raised, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR