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## Appeal Decision

Site visit made on 7 July 2020

**by Darren Hendley BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28<sup>th</sup> July 2020

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**Appeal Ref: APP/F4410/W/20/3247802**

**British Rail - Mexborough Station, Station Road, Mexborough, South Yorkshire S64 9AQ**

- 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 CTIL & TEF against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref: 19/02442/FUL, dated 2 October 2019 was refused by notice dated 29 November 2019.
  - The development proposed is a base station upgrade to the existing telecommunications installation: Proposed to install 6 no. antennae onto the headload on the existing 15.0m monopole. Existing 2 no. cabinets to be refreshed internally and associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for a base station upgrade to the existing telecommunications installation: Proposed to install 6 no. antennae onto the headload on the existing 15.0m monopole. Existing 2 no. cabinets to be refreshed internally and associated works at British Rail - Mexborough Station, Station Road, Mexborough, South Yorkshire S64 9AQ in accordance with the terms of the application, Ref: 19/02442/FUL, dated 2 October 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Rev A Site Location Maps, 201 Rev A Proposed Site Plan, 301 Rev A – Proposed Site Elevation.
  - 3) The colour finish of the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing telecommunications installation.

### Procedural Matter

2. During the course of the planning appeal, clarification was sought on what plans were before the Council at the time of its decision. The responses provided by the Council and the appellant show some variances. On the basis that the Council were the determining authority at that stage, I have considered the proposed plans listed in the Council's response. These plans were also provided by the appellant as part of the appeal submission.

## **Main Issue**

3. The main issue is whether the proposal would preserve the setting of a listed building, Mexborough Railway Station, and if harm arises, whether it is outweighed by the public benefits.

## **Reasons**

4. The existing telecommunications mast on the site consists of a 15 metre high monopole that includes 3 antennae attached by headframe support poles, as well as ancillary equipment. At ground level, there are associated equipment cabinets. The installation is shared between 2 mobile network operators. The site lies in close proximity to Mexborough railway station. The station building lies no more than a few metres away. An associated platform, pedestrian bridge and cycle parking lie adjacent to the site, which is partly enclosed by the traditional railway white painted picket fencing.
5. The station building is grade II listed. It comprises a pleasing linear stone single storey range building which accommodates a number of station related functions. An associated 2 storey station house is found on its eastern side. To the front, is a discrete small forecourt area and parking spaces. Opposite the station is a fairly new caravan park enclosed by stone walls and timber board fencing, with landscaping found around its entrance.
6. With the proximity of the site to the station building and the juxtaposition of the other railway related infrastructure, it falls within the setting of the listed building. As the significance of the building relates to the historical use of the greater site as a railway station, the existing telecommunications installation contributes little to the significance of the setting.
7. The additional mass of the proposed headframe and the associated additional antennae would result in a bulkier appearance to the top of the mast and, to an extent, would lessen its vertical emphasis. As it would be positioned well above ground level and higher than the structures in its vicinity, views with the listed building would be apparent in and around the station.
8. Whether or not the proposal would be conspicuous with regard to the station building needs also to be considered in the context of the existing and established structure on the site. The more top heavy form would, though, increase the contrast between the installation and its railway based surroundings by way of the effect on the significance of the setting.
9. In taking these considerations together, I conclude that the proposal would not preserve the setting of a listed building, Mexborough Railway Station. As such, it would not comply with Saved Policy ENV34 of the Doncaster Unitary Development Plan (1998) which states that planning permission will not normally be granted for development which would adversely affect the setting of a listed building by virtue of its nature, height, form, scale, materials or design, amongst other considerations. It would also not comply with Policy CS15, particularly Section A) of the Doncaster Council Core Strategy 2011-2028 (2012) which supports proposals which preserve and, where appropriate, enhance the heritage significance and setting of the borough's heritage assets.
10. It would also not accord with paragraphs 190, 192, 193 and 200 of the National Planning Policy Framework (Framework) where they are, collectively, concerned with conserving and enhancing the historic environment. For the

purposes of paragraph 196 of the Framework, less than substantial harm would arise.

### **Planning Balance**

11. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 196 of the Framework states that the harm should be weighed against the public benefits of the proposal.
12. The proposal would enable 5G coverage from the installation to facilitate improved connectivity. The Framework supports high quality communications and states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Furthermore, it goes on to state that decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). As the proposal would involve a shared facility, it also attracts support from the Framework where it states that sites should be kept to a minimum and that the use of existing masts should be encouraged. Whilst this support is not unqualified, these matters attract significant weight in favour of the proposal as public benefits.
13. I am mindful that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Overall, though, I find the public benefits would be significant and would outweigh the less than substantial harm to the designated heritage asset, under the Framework.
14. In coming to this view, I have had special regard under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, by attaching considerable importance and weight to that desirability. I have also given the harm that would arise considerable importance and weight. For the reasons set out above, I find this harm is outweighed by the benefits.
15. The Council has also highlighted that enhancements are proposed in the forecourt area and that the caravan park has softened the appearance of that site, compared to a former warehouse. This is a separate consideration as to whether the proposal would preserve the setting of a listed building, and the same level of protection is not afforded in this regard. The proposal would have a limited impact by way of the effect on the character and appearance of the area as it would relate to the existing structure and because it would not be unacceptable in broader visual terms with the increase in the size of the head of the mast.
16. In relation to the policies in the Council's emerging Local Plan that I have been referred to, either these are the subject of outstanding objections or do not seem to change substantially the approach to the relevant issues under the existing development plan policies. Hence, the emerging policies have a limited bearing on my decision. Issues in relation to an alternative layout of the antennae are not for my consideration and the same applies with respect to the pre-application matters that I have been referred to.

### **Conditions**

17. In addition to the timescale for implementation, I have imposed a condition confirming the approved plans, for the purposes of certainty. I have also imposed a condition which concerns the use of a matching external colour finish to the existing telecommunication installation, in the interests of protecting the character and appearance of the area.

### **Conclusion**

18. Overall, the public benefits of the proposal would outweigh the less than substantial harm under the Framework. In this case, it is a material consideration which outweighs the conflict with the development plan as a whole and indicates that planning permission should be granted for development that is not in accordance with it. Accordingly, the appeal should be allowed subject to the conditions.

*Darren Hendley*

INSPECTOR