



Appeal Decision

Site visit made on 21 November 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/F4410/W/23/3323218

Pinfold Lane, Doncaster DN7 5LT

- 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 CK Hutchison Networks (UK) Limited against the decision of Doncaster Council.
 - The application Ref 22/02802/TEL, dated 21 December 2022, was refused by notice dated 6 February 2023.
 - The development proposed is 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposal solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis. 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 nevertheless had regard to the policies of the 2021 adopted Doncaster Local Plan 2015-2035 (the Local Plan) and the 2023 National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

3. The main issues are:
 - the effect of the siting and appearance of the proposal on the character and appearance of the Fishlake Conservation Area (the Conservation Area) and the setting of the nearby Grade II listed building; and
 - if there is any harm, whether this would be outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Reasons

Conservation Area

4. The appeal site is part of a grassed verge that sits in between the road and pavement at the junction of Pinfold Lane and Trundle Lane, and within the Conservation Area. The proposal would comprise a 20 metre high pole and three associated equipment cabinets. Notwithstanding that the cabinets may be within the size limits to be classified as permitted development without prior approval, they are shown on the plans and within the specification and would not be required if it were not for the proposed pole.
5. The Conservation Area comprises a loose grained rural village stretching from the historic core associated with the church and following the length of Pinfold Lane. A farmstead within the Conservation Area reinforces the village's rural qualities and agricultural legacy. Buildings tend to be of a relatively simple form, mainly two storeys in brown/orange brick, with clay pantile roofs. The street pattern is one of relatively straight roads with pronounced bends, which foreshortens views along them. There are several open spaces within the Conservation Area which are interspersed with the built form, resulting in a varied street scape of open and enclosed spaces. The open spaces add positively to the Conservation Area's character and appearance and serve to underline its rural setting, as do the mature trees around the edge of and within the village. The significance of the Conservation Area is in part derived from these aspects.
6. Vertical structures in the form of heritage streetlights of around six metres in height and of regular spacing are apparent in the street scape. There are also several wooden telegraph poles in the area, and two trees to the rear of the site, which the submitted plans show as around 12 and 15 metres in height.
7. The site sits on a prominent curve in the road, highly visible on approach from both directions along Pinfold Lane. Such views would not be over a long distance due to the characteristic bends on the lane. Nevertheless, views up and down Pinfold Lane are identified as key views in the Conservation Area Appraisal and the road junction where the proposal would be located acts as a focal point for these views. In such views, the pole and cabinets would be seen in front of an open area which, given its strongly rural character, contributes positively to the character and appearance of the Conservation Area. In addition, the pole would be visible in views towards the church from vantage points along Trundle Lane. The church is an important focal point within the Conservation Area, both historically and aesthetically.
8. The height of the pole has been reduced to the minimum necessary for its purpose of deploying 5G services and meeting the International Commission on Non-Ionizing Radiation Protection standard. However, it would appear as an obviously engineered feature of a greater scale and bulk than the existing vertical structures.
9. The trees to the rear would provide some screening to the lower parts of the pole from certain vantage points. However, even when the trees are in full leaf, the pole would still appear conspicuously tall. During the winter months, when the tree canopies are reduced, it would stand out further. The black colour proposed for the pole and cabinets as shown on the submitted plans would help reduce the contrast with the backdrop, although much less so for the upper

sections of the pole which would mainly be viewed against the sky. The pole would remain highly prominent in views from the surrounding area including along Pinfold Lane and towards the church. Given its location, height and uncompromisingly modern and utilitarian appearance, the pole would be dominant and discordant in this location.

10. I appreciate that efforts have been made to keep the development away from potentially sensitive receptors and to locate it on a wider area of public realm. However, the height and positioning of the proposal would stand out as an incongruous feature. The presence of some limited nearby street furniture in the form of a directional sign and street name would not result in the proposal appearing compatible.
11. For the reasons given, I conclude that the siting and appearance of the proposal would not preserve the character or appearance of the Conservation Area. Consequently, there would be harm to its significance.

Setting of the nearby Listed Building

12. The Council has raised concern about the effect on the nearby Grade II listed pinfold located on Pinfold Lane to the northeast of the site, although little explanation is given for this other than proximity. The sign on the pinfold states that it was used as a pound for confining stray animals. This tallies with my understanding of the purpose of pinfolds. The pinfold would have had a functional and historic relationship with the surrounding land, given the village's agricultural associations. The proposal would be visible in views of the pinfold along Pinfold Lane towards the rural open area to the rear of the site, where it would appear as an unduly urban and jarring feature. The proposal would appear as a visually disruptive element within the setting of the listed building and so would harm its significance.

Balance and Conclusion on Heritage Assets

13. In terms of the Framework, I assess the harm to the Conservation Area and the setting of the listed building as less than substantial. Even so, less than substantial harm does not equate to a less than substantial planning objection, especially where national policy expectations for conserving such assets have not been met. In such circumstances, paragraph 202 of the Framework states that the harm should be weighed against the public benefits of the proposal.
14. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The proposal would allow for the construction of infrastructure which would enable the roll out of 5G coverage, enhance network speeds and connectivity within the surrounding area. It would therefore contribute towards the Framework's objective of supporting high quality communications infrastructure such as 5G. Those implications may be considered public benefits and carry moderate weight in favour of the proposal.
15. Paragraph 199 of the Framework states that great weight should be given to the heritage asset's conservation. Paragraph 200 requires clear and convincing justification for any harm to or loss of significance of a designated heritage asset. Consequently, the harm I have identified to the significance of the Conservation Area and the setting of the listed building attracts considerable

weight against the proposal. Given the weight that I attach to the public benefits, these would not outweigh the harm that would be caused.

16. Consequently, insofar as they are a material consideration, the proposal would conflict with Policies 21(I), 34, 35, 36 and 37 of the Local Plan. Amongst other matters, these policies do not support proposals, including telecommunications infrastructure, that harm the significance of a conservation area or a listed building or its setting other than where that harm is outweighed by the public benefits of the development; and require proposals that affect known heritage assets to include sufficient information to gain an understanding of the potential impact that the proposals will have on the significance of any heritage assets likely to be affected. There would also be conflict with the Framework's historic environment objectives as set out in paragraphs 194, 195, 197, 199, and 202.

Alternative Sites

17. Paragraph 115 of the Framework states that the number of communications masts and the sites for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It encourages the use of existing masts. The appellant has investigated alternative sites as required by paragraph 117 of the Framework and discounted them, due to unsuitable pavements/grass verges and/or concerns around visibility splays. Based on the submitted evidence, I am not convinced that sufficient justification has been provided to support the discounting of these sites.
18. I appreciate that the search area for the proposal is constrained. I am also mindful that there is a limit to how far an operator can reasonably be expected to go to demonstrate no other less intrusive or harmful sites are available. However, only limited information has been provided as to why the alternative sites were discounted or why these were the only possible locations within the search area. Furthermore, there is no information as to the consideration given to sites outside of the Conservation Area. Indeed, there is no recognition within the appellant's Site Specific Supplementary Information and Planning Justification Statement about the presence of the Conservation Area or listed building. I am not therefore satisfied that all alternative, potentially less harmful options have reasonably been explored and therefore that no more suitable sites are available.
19. Consequently, I conclude that the harm I have identified to the significance of the Conservation Area and to the setting of the nearby Grade II listed building is not outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Conclusion

20. For the above reasons, having had regard to all matters raised, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR