

Appellant reference: KG/3UK/MAN19863/APPEAL

LPA application reference: 133709/TEL/2022

**Section 78 of the Town and Country Planning Act 1990 (as
amended)**

Appeal Statement

**On behalf of
Hutchison 3G UK Ltd.**

A planning appeal by written representation against the decision of Manchester City Council to refuse planning consent for the installation of telecommunications apparatus at Carill Avenue, Harpurhey, Manchester, M9 4FT.

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Table of Contents

Section	Title
1	Introduction
2	The Appeal Site And Proposal
3	Assessment Of The Reasons For Refusal
3.1	The Need For Development And Associated Public Benefit
3.2	The Planning Policy Context Of The Refusal
3.2.1	National Planning Framework
3.2.2	Local Guidance
4	Summary
Appendices	
1	Decision Notice – 133709/TEL/2022 Officers Delegated Report – 133709/TEL/2022 Planning Drawings, Rev A Site Location Plan, Rev A
2	Relevant appeal decisions: • APP/Q3305/W/18/3206555 – Vodafone Vs. Mendip District Council. • APP/L1765/W/18/3197522 – CTIL and Vodafone Vs Winchester City Council. • APP/R5510/W/16/3143922 – CTIL and Telefonica UK Ltd Vs the Council of the London Borough of Hillingdon. • APP/K3605/W/19/3243927 – EE Ltd and H3G UK Ltd Vs Elmbridge Borough Council. • APP/K2610/W/21/3280694 – Mobile Broadband Network Limited vs Broadland District Council. • APP/R5510/W/21/3269903 – MBNL Limited Vs London Borough of Hillingdon Council. • APP/E2205/W/20/3261389 – Telefonica UK Limited Vs Ashford Borough Council. • APP/J4423/W/21/3268791 – MBNL Limited Vs Sheffield City Council. • APP/Q5300/W/16/3142885 – CTIL and Telefonica UK Limited vs the Council of the London Borough of Enfield.

Section 1: Introduction

1. This statement has been prepared by Dalcour Maclaren (hereinafter referred to as “the Agent”), acting for Hutchison 3G UK Ltd who will hereinafter be referred to as “the Appellant”. It should be noted at this juncture that Hutchison 3G UK Ltd are commonly known as “H3G” or “Three UK”, a Mobile Network Operator (MNO). The appeal is brought by the Appellant against the refusal of Prior Approval by Manchester City Council (hereinafter referred to as “the Local Authority”) for the proposed deployment of telecommunications development at Carill Avenue, Harpurhey, Manchester, M9 4FT (“the Appeal site”).
2. On 6th May 2022, the Appellant, via the Agent, submitted an application to the Local Authority for Prior Approval to install a 15m telecommunications monopole supporting antennas; ground-based equipment cabinets, and ancillary development thereto. The application was decided via delegated powers, and by notice dated 29th June 2022, the Local Authority confirmed that Prior Approval had been refused for the following reasons:-

“The City Council is not satisfied that this development has been sited and designed to minimise the impact upon visual amenity. The proposed telecommunication installation by reason of its height, siting and appearance, would be unduly harmful to the character and visual amenity of the streetscene and residential properties, as well as the green space off Carill Avenue connected to Boggart Hole Brook and Boggart Hole Clough. The proposed telecommunications equipment would therefore be contrary to policies DM1 and SP1 of the Manchester Core Strategy (2012), saved policy DC17.1 of the Unitary Development Plan for the City of Manchester (1995) and the National Planning Policy Framework (NPPF).”

3. The Appellant submits that the Local Authority’s decision to refuse Prior Approval based on the above reasoning and alleged policy conflict is not defensible. This statement will provide background information about the Appellant’s networks and their requirements for the proposed development at the appeal site. It will assess the appeal proposal against planning policy and will demonstrate that Prior Approval should have been given based on policy compliance and the fact that the appeal proposal represents a wholly acceptable development. On this basis, it will be concluded that the decision to refuse Prior Approval is not defensible and should not be upheld.

Section 2: The Appeal Site And Proposal

4. The appeal site is located on the northern pedestrian footway of Carill Avenue, close to the road junction with Lentmead Drive, Harpurhey, Manchester. The pedestrian footway runs along a small open clearing of grass land and mature vegetation, with two smaller trees aligning the footpath that the site is proposed between.
5. To the immediate North and West of the appeal site consists of grass land clearing. The mature vegetation and tree cover assists in filtering medium- and long- range views along Carill Avenue. The grass land clearing is the most Southern part of Boggart Hole Clough park – a Grade 2 Site of Biological Importance of large woodland and urban country park in Blackley, Manchester.

However, it is noted that the appeal site is located on the pedestrian footpath and not within the designated area.

6. The surrounding area to the South and East is mainly residential, comprising two-storey residential properties. The properties line the local road network, with each property bookended by front and rear gardens, garages or drives. The appeal site does not lie directly in front of any residential buildings.
7. The local road network accommodates typical street furniture for such a suburban area, with street lighting columns, wooden telegraph poles and accommodating power lines all evident. The far Northern end of Carill Avenue is a cul-de-sac, but the road is largely a connecting road for the parallel residential roads, Lentmead Drive and Wharfedale Avenue.

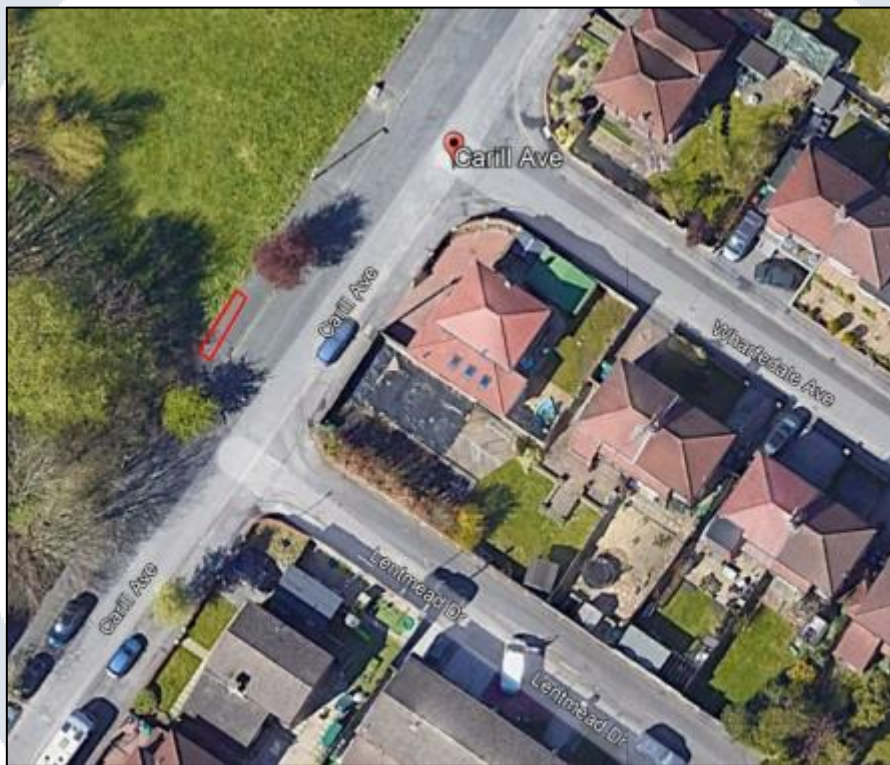


Figure 1 – Location of Appeal Site, identified via a red box (Source: Google Streetview)

8. As can be seen in Figure 1, the appeal site has been specifically positioned to ensure that it does not sit directly opposite a residential property, to therefore minimise any perceived visual impact. Whilst views of the appeal site will be achievable from the windows of properties on Lentmead Drive, they will be framed within the views of the Boggart Hole Clough park, and the mature trees which measure circa 10m framing the park's long-range views. Given that the appeal scheme measures 15m in height, it will be suitably backdropped by tree cover which measures circa 66% of the appeal proposal structure. As such, views of the appeal scheme will not be unduly impacted from these properties.

9. Figure 2 below, shows the most visible piece of infrastructure – the monopole – is positioned the most westerly of the apparatus, to ensure that it is as close to the junction as possible, without impacting visibility splays, and to ensure that the maximum distance between the monopole and the nearest residential property is achieved.

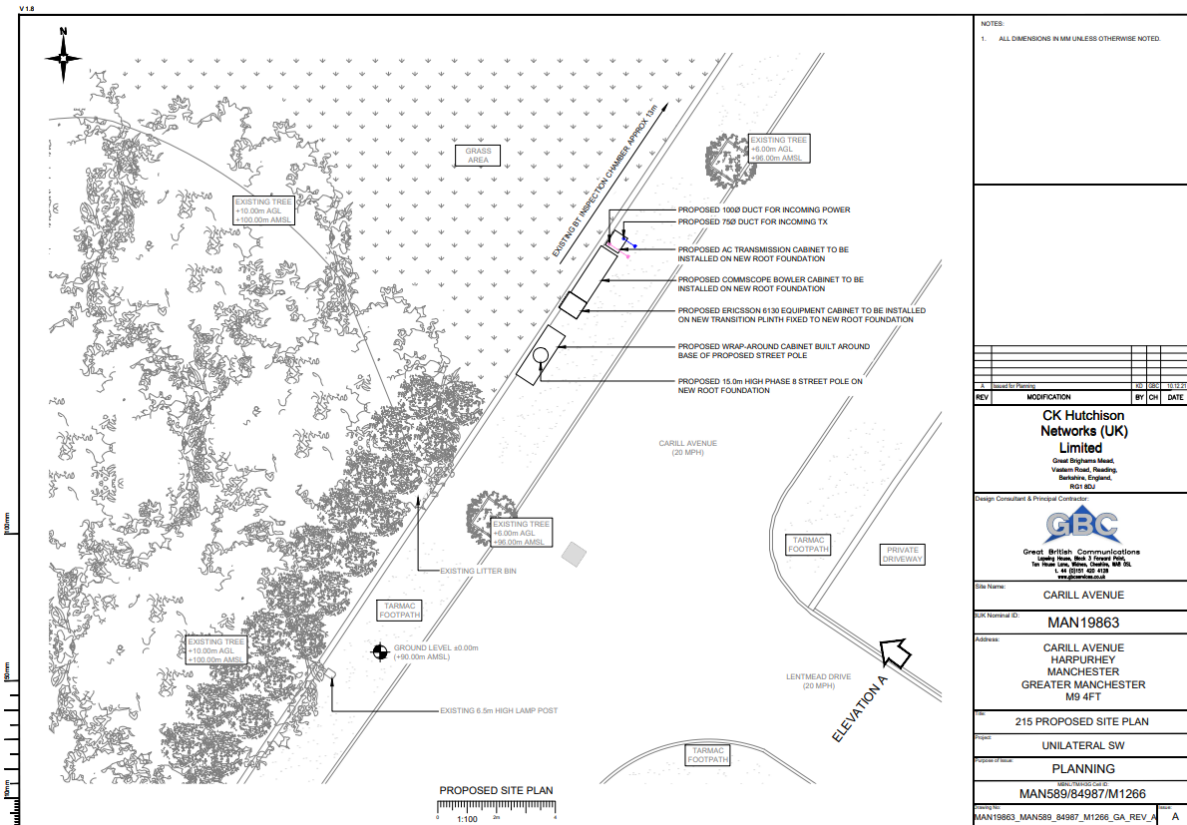


Figure 2 – Proposed Site Plan (as submitted with application 133709/TEL/2022)

10. Whilst it is acknowledged that views of the appeal site are likely to be achieved from nearby residential properties within the immediate vicinity, the impact on these views has been minimised as far as reasonably practicable, by the proposed positioning of the appeal site and the use of existing mature tree cover to filter the medium- and long-range views.
11. Given the nature of the surrounding area, i.e. parallel roads of residential properties, it is submitted that the best town planning and environmental solution has been brought forward as part of the appeal scheme, with every effort made to minimise any perceived visual impact, as far as practicable, on the surrounding area, or on the residential properties within the locale.

Relevant Planning History

12. There is no relevant planning history relating to the appeal site.

Appeal Proposal

13. The appeal scheme proposes the deployment of a new base station on the northern pedestrian footway of Carill Avenue. The monopole measures 15m (to top height) and will be supported by three ground-based equipment cabinets. The new, innovative monopole design allows the antennas to be 'stacked' and positioned within a linear structure, rather than a wider, shrouded headframe – as was typically the case with traditional telecommunications monopoles over the last two decades. This has allowed the traditional 'bubble' headframe monopoles to be dispensed with and replaced within the streetscene by designs similar to the appeal scheme. This ensures that the appeal structure is the smallest, and thinnest, it can be, without compromising the operational efficiency of the base station. This relatively new design option is considered to be preferable from an environmental and town planning perspective, to the traditional shrouded monopoles that were typically located adjacent to the public highway, or within suburban areas. The type of structure proposed as part of the appeal scheme is now common across the UK.
14. The H3G coverage, capacity and connectivity that will be provided from the appeal scheme will service the surrounding area of Harpurhey, with 3G, 4G and 5G services being provided to local residents and businesses for the first time.
15. A site search was undertaken within the local area to identify a suitable location to accommodate a new base station that would provide new network coverage to the local area. The appeal site is considered to offer the optimum solution.
16. As outlined within the Supplementary Information document that accompanied the appeal submission, 3no ground-based equipment cabinets are required. These cabinets, however, do not form part of the application as they are permitted by Class A of Part 16, Schedule 2 of the GPDO 2022 (as amended). Despite the fact that these cabinets do not form part of the application, their types and dimensions were included as part of the appeal submission and to ensure clarity as to what level of equipment will be deployed as part of the appeal scheme.
17. The appeal scheme will provide 3G, 4G and 5G mobile network coverage for H3G and will provide new mobile services across the surrounding area, leading to numerous social, economic, and environmental public benefits.

Section 3: Assessment Of The Reasons For Refusal

18. The Local Authority's Decision Notice sets out the reasons that planning consent was refused (see paragraph 2, above). The Local Authority assessed that the appeal scheme would be unsuitable owing to its *"height, siting and appearance"* and would be *"unduly harmful to the character and visual amenity of the streetscene and nearby residential properties, as well as the adjacent green space off Cavill Avenue connected to Boggart Hole Brook and Boggart Hole Clough"*.
19. The Decision Notice also referred to policies DM1 and SP1 of the Manchester Core Strategy (2012), saved policy DC17.1 of the Unitary Development Plan for the City of Manchester (1995), and the National Planning Policy Framework (NPPF), with the Local Authority stating that the appeal scheme would conflict with these policies.

20. The Appellant submits that the above statement is entirely subjective. Furthermore specific steps were taken to ensure that the visual impact was reduced as far as practicable. These steps will be discussed in further detail in the following paragraphs. It is also submitted that no further amendments or concessions could be implemented to further reduce the size, scale, height, or visual impact of the appeal scheme.
21. The Officers Delegated Report provides further details on the reasons for refusal given within the Local Authority's Decision Notice. The Local Authority's grounds for refusal will be challenged within the remainder of this document, with an initial focus on the reasons for refusal stated within the Consultations & Notification Responses.
22. Firstly, on the basis that the precise location of the appeal site in relation to the nearby Site of Biological Importance, Boggart Hole Clough, is repeatedly incorrect and contradictory within the Report, it is considered by the Appellant that due care and attention was not paid to the assessment of the scheme. One concern raised amongst the 39 objections received by Local Residents includes:
- "Impact to visual and residential amenity – many residents noted **the site is in an area of Biological Importance (Grade B)**, as the Land is connected to Boggart Hole Clough"* (emphasis added).
23. Contained within the Local Authority's 'Description of area' within the Delegated Report, the appeal site is noted to *"**sit in front** of a section of open green space **close to Boggart Hole Brook**".* It is also noted that *"**to the North of the site** is Boggart Hole Brook and Boggart Hole Clough"* (emphasis added in both quotes). It is deemed that the Officer's Delegated Report contradicts itself on the matter of whether the appeal site is located within the area of Biological Importance or not.
24. Furthermore, in an email exchange between the Case Officer and the Appellant, it was raised that *"the proposal **would be sited on a Grade 2 Site of Biological Importance**"* (emphasis added).
25. The Appellant responded to the email exchange explaining that *"as outlined in the application and on the accompanying planning drawings, **the proposed apparatus is clearly on the public footway and not within the designated area**"* (emphasis added). In this case, it appears the Local Authority has not taken care to review the exact proposed location of the appeal site and instead came to the assumption that the site would be located within the extent of the Site of Biological Importance.
26. There are now numerous examples of appeals which have been allowed by the Planning Inspectorate which have proposed the installation of similar sized, ground-based masts within designated areas. These appeals will be discussed in greater detail within this document. However, it should be noted at this juncture that, in each instance, the Planning Inspector identified some level of harm to the designated or heritage asset, and, despite this harm, considered that the provision of a high-quality telecommunications network, and all of the public, social, economic, and environmental benefits that it brings, outweighed the identified harm.

27. Secondly, stated within the Siting and Appearance section within the Issues of the Officers Delegated Report, the assessment appears to have been undertaken for a far larger monopole than that which is actually proposed. The Officers Delegated Report offers the following:

“The proposed mast at 20 metres high would dwarf the adjoining properties and appears as a dominant, intrusive and conspicuous feature in the streetscene.”

28. It is acknowledged earlier in the Officers Delegated Report that an email was received by the Local Authority on 27th May 2022 explaining the proposed height of the radio base station was incorrectly listed within the application form as 18 metres and the description was subsequently amended accordingly to 15 metres. It is also repeated multiple times within the Supplementary Information Form that the proposed mast height is 15m.

29. The Appellants therefore submit that the Local Authority’s decision-making process, and ultimately the conclusion that they have come to, is flawed. The assessment of a 20m monopole at this location is significantly different to that of an assessment of a 15m monopole at the same location. Given that the Local Authority’s grounds for refusal focus on the height, the siting and appearance of the apparatus, and the impact on the visual amenity of the streetscene, residential properties, and green space off Carill Avenue, it is vitally important that the correct scheme and apparatus is accurately assessed. It appears, to all intents and purposes, that the Local Authority have assessed a scheme which is actually 33% taller, and therefore 33% more visible, than the one actually proposed as part of the appeal scheme.

30. The Local Authority, in refusing planning consent for the appeal scheme, have stated within their Officers Delegated Report that they are *“not satisfied that this development has been sited and designed to minimise the impact upon visual amenity”*. The Appellant submits that the exact opposite is in fact true. Whilst the Appellant has the opportunity to deploy a new ground-based mast up to a height of 20m under the GPDO Prior Approval process, they have acknowledged the residential nature of the area, and, through careful site selection have brought forward a wholly appropriate scheme with a 15m monopole. The Appellants have reduced the height of the monopole to the very lowest which will provide operational effectiveness for the surrounding area. This, however, is not acknowledged within the Officers Delegated Report. Quite the opposite, with it appearing that the Local Authority have in fact assessed the scheme as if it were a 20m monopole; an additional 33% taller than the appeal scheme.

31. As such, it is submitted that an entirely different assessment has been undertaken by the Local Authority, than should have been taken, and, if the correct, balanced assessment, as advocated in the NPPF, had actually been undertaken, then the Local Authority would have arrived at a different conclusion.

32. The Planning Inspector is respectfully asked to consider if a balanced assessment can be undertaken when a scheme is incorrectly assessed to such a degree that the Local Authority mistake a 15m monopole for a 20m monopole, and provide justification for their refusal based on height and undue visual harm being caused to the surrounding area. Whilst a 20m monopole may be considered unacceptable at such a location, this does not immediately result in a 15m monopole being equally as unacceptable. The Appellants submit that there must be a ‘tipping point’ at which the deployment of a monopole switches from being ‘acceptable’ to ‘unacceptable’ – i.e. a height at which the perceived harm outweighs the established public benefits. The Appellants suggest

that this is 15m. That the Local Authority have not considered the impact of the appeal scheme at 15m, but rather at 20m, is a cause for concern and highlights that undue care and attention was paid to the original submission, and, ultimately, to the result of the Local Authority's skewed decision-making process and eventual outcome.

33. As will be discussed in greater detail within this document, the principle of the proposed development is enshrined within Part 16 of the Order. As per the relaxed Permitted Development regulations, which came into force in April 2022, the deployment of 20m monopoles is now recognised as being 'normal' and consider it to be akin to an outline planning permission. Despite the possibility of the Appellant deploying a 20m monopole under an application for Prior Approval, the Appellant was mindful of the perceived visual impact on the surrounding area, and the 'appearance' of the scheme, and duly submitted an application for the appeal scheme, with a top height of 15m – somewhat 5m shorter than is established within the Order. That this has not been acknowledged by the Local Authority, but, rather the opposite in fact, would suggest that a fair and balanced assessment has not been undertaken.
34. The inclusion of this misinformation leads the Appellant to question whether or not the appeal scheme has been accurately assessed and due diligence undertaken by the Local Authority in forming its decision to refuse planning consent for the appeal.
35. Thirdly, the Local Residents raised an objection on the grounds of:
"The impact to visual amenity, the creation of an incongruous feature within the streetscene which is out of proportion with other street furniture"
36. As outlined in paragraphs 8, 9, and 10, the location of the appeal site was strategically positioned to ensure that it would be framed against mature tree cover framing the perimeter of the green area behind the appeal site.
37. Whilst the proposed radio base station may be visible from nearby residential properties, it does not necessarily equate to causing 'harm' and cannot normally be regarded as a material planning consideration. It is only when the visual impact of adjoining development, in this case the proposed radio base station, from a principal living room of a nearby property becomes overbearing, can it be considered a material consideration. There is no reference within the Officers Delegated Report, or the Local Authority's Decision notice, that the appeal scheme may be overbearing. No overshadowing, loss of daylight and sunlight will be caused to the properties opposite, as a consequence of the appeal scheme.
38. This position was confirmed, in May 2016, when the Planning Inspectorate overturned a decision by the Council of the London Borough of Enfield for the installation of a 20m shared radio base station and 4no ground based equipment cabinets (CTIL and Telefonica UK Limited vs the Council of the London Borough of Enfield, APP/Q5300/W/16/3142885). In allowing the appeal, the Inspector stated the following in their Decision Notice:

'The proposal may be visible from windows of residential properties. However, due to the separation distances achieved between it and the nearest dwellings and its relatively slim profile at higher level, it could not be said to constitute an overbearing structure that would be unduly harmful to outlook. In terms of the proposal's effects on private views, these are matters that the Courts have held can rarely be

instrumental in planning decisions, and as such I only attach very limited weight to these considerations in arriving at my decision' (emphasis added).

39. In terms of the proposed structure, the monopole would be galvanised in order to assimilate the structure into the surrounding vertical utilitarian elements with the antennas coloured grey, as this will reduce the capacity of the antennas to draw the eye when viewed against the sky and compared to other street furniture which is in situ nearby; specifically the existing street lighting columns on Carill Avenue, Lentmead Drive and the surrounding road network.
40. The appeal site is considered to be appropriate from both a 'siting' and an 'appearance' perspective. As outlined in the preceding sections of this document, the location of the appeal site was specifically selected to ensure that it sits out of direct view of nearby residential properties, as far as practicable, and outside of highways visibility splays, but also within the target area that it is designed to serve. It is submitted that the appeal site, whilst providing the necessary operational coverage to the target area, will not unduly impact on residential properties within the local area to a significant degree, and certainly not enough to warrant the refusal of planning consent from the Local Authority. This was the main intention of the Appellant at the time of site selection, and, as outlined within the appeal submission. It is submitted that no better, or less harmful, location could be identified within the target area, and that the appeal site offers the best, and wholly acceptable, town planning and environmental solution at which to deploy a brand-new ground-based installation.
41. The Local Authority's Decision Notice states, in paragraph 2, above, that the City Council is not satisfied that the development was sited and designed to minimise the impact upon visual amenity and that the installation's height, siting and appearance would be unduly harmful to the surrounding area. In this statement, the Appellants have laid out exactly how the visual impact was minimised: through clever site selection and ensuring that the apparatus is off-set to one side of the nearest residential property; the proposed galvanised nature of the apparatus, to mirror existing street furniture which is currently in situ; the utilisation of the existing mature trees; the proximity to the only non-residential buildings within the local area; the exact siting on the pedestrian footway leading to no Highways objection; a reduction in height of the monopole when compared to what is now considered to be 'normal' across the UK. Each of these points individually provide a more positive town planning and environmental option, and, when combined together, ensure that they result in a wholly suitable solution for the local area.
42. The appeal scheme will provide significant public benefits, with brand-new 3G, 4G and 5G network services provided to the area. These benefits will take the form of social, economic and environmental benefits. However, the Delegated Report only focuses on these benefits at one point, stating that whilst they would qualify as a considerable positive, the impact upon visual amenity would outweigh these positive factors. Again, the Appellant would question the validity of this assessment. If, as per the comments within the Officers Delegated Report suggest, the scheme has been assessed as if it were a 20m monopole, rather than a 15m monopole, then the resulting assessment of scheme's harm vs benefit would be unfair and biased against the appeal scheme. Any planning assessment undertaken by the Local Authority must be accurate, and it appears that this was not the case in this instance, with a far taller, and far more robust scheme being assessed, rather than the one proposed. As such, the result of such an assessment cannot

be correct, justified, nor defensible – especially as ‘height’ is given as one of the grounds for refusal.

43. As only the perceived negative impacts of the appeal scheme are highlighted within the Officers Delegated Report, and these negative impacts being exacerbated by an incorrect assessment of a scheme 33% taller than the one actually proposed, it is clear that no balanced assessment, as advocated within the NPPF, which the Officers Report references at length, was undertaken in the process of reaching a decision and the Local Authority refusing its planning consent. That the same benefits can be provided by the proposed apparatus, with a monopole 5m shorter than the one referenced in the Officers Delegated Report is highly significant, and would clearly tip the balance in favour of the scheme, rather than against it. This however, has not been acknowledged by the Case Officer in their assessment.
44. It is now becoming more and more apparent that a significant proportion of the national workforce are opting to adopt a more hybrid-style of working – with many returning to an office environment for only a small proportion of the regular working week, whilst working from home for a large percentage of each week. As such, the necessary infrastructure must be deployed in order to assist and facilitate this hybrid working, as it predominantly occurs within a residential setting. As the appeal scheme will provide new 3G, 4G and 5G services to the local area, this is considered to be a major contributing factor to enabling such hybrid-working to take place with the Local Authority’s jurisdiction. This, however, was not referred to within the Officers Delegated Report, or the Local Authority’s Decision Notice.
45. The importance of permanent, and enhanced, telecommunications network coverage cannot be underestimated, especially throughout the years 2020 and 2021, when the dependence on these networks was higher than it has ever been. This dependence has continued into 2022 as our online shopping, gaming, and social habits have changed, post-pandemic, as well as the aforementioned working-from-home or hybrid work pattern which many employees are now choosing to adopt – searching for a more balanced lifestyle and leaving the days of the long work commute 5-days-a-week behind. In order to achieve this, and satisfy the demand that is clear within local communities across the UK, then the necessary apparatus needs to be deployed – and deployed in the most suitable locations. The Appellant’s submit that the appeal site offers the most suitable location for the proposed scheme, within the target area.
46. The NPPF encourages a balanced assessment of any significant harm that may be caused by a proposed development, against the public benefits that the same development would bring forward. It is submitted by the Appellants that, even under ‘pre-pandemic’ circumstances, significant weight was not afforded to the public benefits of the appeal scheme, by the Local Authority, in refusing the appeal submission. In fact, no mention at all of these benefits was evident within the Local Authority’s assessment of the appeal scheme. However, times have changed ‘post-pandemic’, with an ever-increasing reliance on mobile data consumption in all aspects of public life – from shopping, to gaming, to streaming-services direct to handset, and to socialising with friends and family. These habits were borne out of, and exacerbated by, the national lockdowns of 2020 and 2021, and are habits that show no sign of disappearing. No acknowledgment or reference was made to increased demand for network connectivity, capacity and coverage, from a public perspective, within the Local Authority’s Decision Notice or Officers

Delegated Report. This is a clear indication that this element of everyday public life formed no part of the Local Authority's assessment, or decision-making process.

47. Furthermore specific steps were taken to ensure that the visual impact was reduced as far as practicable. These steps will be discussed in further detail in the following paragraphs. It is also submitted that no further amendments or concessions could be implemented to further reduce the size, scale, height, or visual impact of the appeal scheme.

3.1 The Need for Development And Associated Public Benefit

48. H3G (known as the operator 3, or Three UK) is licenced to operate Third, Fourth and Fifth Generation electronic communications services.
49. As detailed within the planning application, the appeal proposal seeks to deploy a new base station at the appeal site, which will provide brand-new 3G, 4G and 5G coverage to the local area. The scheme was designed to ensure it is the smallest and thinnest available, utilising an innovative solution will allow the antennas to be 'stacked' within the structure itself.
50. 3G (UMTS) allows for data transmission as well as text services as mobile phones, computers, and other portable electronic devices access the internet wirelessly. 4G (LTE, the acronym used for 'Long Term Evolution') supports mixed data, voice, video and messaging traffic and offers speeds of up to five times faster than 3G, enabling network users with 4G devices to benefit from ultra-fast internet browsing, video streaming, gaming, e-mail and downloads.
51. 5G is the next generation of mobile internet connectivity, offering faster speeds and more reliable connections on smartphones and other devices than ever before. Compared to even the most recent and efficient generation of mobile network, 4G, 5G is set to be far faster and more reliable, with even greater capacity and lower response times.
52. 5G is now routinely rolled-out across the UK, with existing 3G and 4G installations being upgraded to provide 5G coverage, capacity, and connectivity. In order to assist this roll-out of 5G, brand-new base stations will be required to fit into the network and complete a blanket of Operator coverage across the UK. This is not only the case for the Appellant's network, but for the networks of all Mobile Network Operators.
53. The benefits of high class digital connectivity services were outlined to the Local Authority within the planning application, where it was detailed that high quality communications infrastructure is essential for sustainable economic growth and that high speed broadband technology and other communications networks can also play a vital role in enhancing the provision of local community facilities and services. Mobile connectivity allows business to be done on the move, enables access to information and services anywhere, and opens up new opportunities and markets.
54. The Government unambiguously recognises the vital importance of the development of essential modern electronic communications services for residents and local economies, and has done so even prior to the rollout of 5G. As such, the urgent delivery of the required network services continues to be a Government priority. This was evident in April 2022, when changes were made

to Part 16 of Schedule 2 to the Town and Country Planning (General permitted Development) (England) Order 2022 (as amended), relaxing Permitted Development Rights to allow for a smoother roll-out of 5G services for all Mobile Network Operators.

55. Within his presentation to Parliament in July 2015 of the Government report “Fixing the Foundations: Creating a more prosperous nation”¹ the Chancellor of the Exchequer reiterated the importance of a high speed digital communication infrastructure:

“7.1. Reliable and high quality fixed and mobile broadband connections support growth in productivity, efficiency and labour force participation across the whole economy. They enable new and more efficient business processes, access to new markets and support flexible working and working from home.

By reducing regulatory red tape and barriers to investment, the government will support the market to deliver the internationally competitive fixed and mobile digital communications infrastructure the UK’s businesses need to thrive and grow, and which will enable the UK to remain at the forefront of the digital economy. The government is working with business so that the market can play the lead role in delivering against the ambitions set out in the Digital Communications Infrastructure Strategy, published in March, of near-universal 4G and ultrafast broadband coverage.”

56. This position was reinforced by a statement made by then incumbent Prime Minister David Cameron in March 2016 when he specifically addressed the vital importance of mobile connectivity for residents and local economies and highlighted that the urgent delivery of the required network improvements is a Government priority;

“Ten years ago, we were all rather guilty of leading campaigns against masts and all the rest of it. Our constituents now want internet and mobile phone coverage. We need to make sure that we change the law in all the ways necessary, that the wayleaves are granted, that the masts are built, that we increase coverage and that everyone is connected to the information superhighway.”

57. The 2016 report, “Connected Future”², published by the National Infrastructure Commission addressed the steps necessary to put the UK at the forefront of emerging digital communications technology which it described as “critical to the growth of our economy” and made recommendations to the Government on how to achieve them. The commission reported, on page 2, that:

“The Commission’s central finding is that mobile connectivity has become a necessity. The market has driven great advances since the advent of the mobile

¹ Fixing The Foundations: <https://www.gov.uk/government/publications/fixing-the-foundations-creating-a-more-prosperous-nation>

² “Connected Future” report (2016) <https://nic.org.uk/studies-reports/connected-future/>

phone but government must now play an active role to ensure that basic services are available wherever we live, work and travel, and our roads, railways and city centres must be made 5G ready as quickly as possible...Greater connectivity is inevitable and essential. The UK cannot be left behind”.

58. This was further substantiated in the written statement by the Minister of State for Housing and Planning, Brandon Lewis, (HCWS631) titled ‘*Boosting Mobile Connectivity*’³ on 17th March 2016, which commits to provisions for “*greater freedoms and flexibilities for the deployment of mobile infrastructure*”. The proposed electronic communications base station forms a part of this greater drive to address the deficit in these essential electronic communications services.
59. The London Assembly’s Regeneration Committee described digital connectivity within its “Digital Connectivity in London” report⁴, published June 2017, as the “*fourth utility*”, *an everyday necessity alongside water, gas and electricity*” and also noted that “mobile broadband is, and will continue to be, an essential complement of fixed broadband”. This is the case across the UK and not limited to the capital.
60. At the time of writing, the Covid-19 Coronavirus pandemic appears to be firmly behind the UK as a country. There are no longer social restrictions within our communities and we are once again free to choose where and when to socialise and work. However, the lasting impacts of the Coronavirus pandemic remain, with the population of the country living through three national lockdowns, and peoples social and work behaviours being altered drastically, and most instances, permanently. The result of the Coronavirus pandemic resulted in a massive shift from office based to home working, from physical, professional and social gatherings to virtual ones and to unprecedented reliance on online shopping and entertainment services.
61. Data usage and network reliance within suburbs increased dramatically as less people travelled to town and city centres to shop, work and socialise. The result of this was a shift in demand on the networks – from areas of high network capacity, coverage and connectivity (i.e. city centre offices and business parks) to areas of far lower network service (i.e. suburban and residential areas). This demand within these suburban and residential areas shows no sign of diminishing, with a significant proportion of the UK employment market option to work-from-home in some capacity. Workers are now actively seeking out alternative jobs and roles which will allow them to work from home, rather than return to the office space. The demand for these network services is clearly there, and the Appellant, in this instance, has tried to meet that need for Harpurhey.
62. It is anticipated that the current shift towards homeworking and online services will persist, albeit to a lesser degree, in the future, although this does remain unknown. It is therefore vital that the infrastructure is in place throughout the UK to meet this demand.
63. Even prior to the sharp rise in mobile dependency in 2020, the importance of connectivity was already well recognised. This is evidenced within Ofcom’s annual connectivity report. The 2018

³ “Boosting Mobile Connectivity” statement (20160) <https://questions-statements.parliament.uk/written-statements/detail/2016-03-17/HCWS631>

⁴ “Digital Connectivity in London” (2017) https://www.london.gov.uk/sites/default/files/digital_connectivity_report_final.pdf

report⁵ provided a figure of 92 million active mobile subscribers in the UK at the end of 2017. It detailed that 78% of adults used a smartphone and that 76% of mobile users were using their devices for web and data access.

64. Further, the report noted that *“Falling call volumes are symptomatic of a fundamental change in people’s behaviour; web-based forms of communication are now the primary way in which many consumers use their mobile phones”*. Following on from this, the report stated also that *“Growing numbers of smartphone users, faster mobile networks, the launch of new bandwidth-hungry services such as video streaming, and larger pay-monthly data allowances have all contributed to rapid growth in subscribers’ average mobile data use”*.
65. The report detailed that users are spending an increasing amount of time per day using their mobile phone. 68% of participants in the Touchpoints research reported that they *“could not live without”* their mobile phone (rising to 78% among 25-34s). Whilst not included within the research figures, anecdotal evidence suggests that this number is greater still amongst those aged under 18. All of which points towards the nations increasing dependency on mobile services and connectivity.
66. The summary of key findings from the 2019 Communications report⁶ documented that the average fixed and mobile data consumption then increased rapidly in 2018, with average data use per fixed broadband line increasing by 26% to 240GB per month, and average monthly use per mobile data connection increasing by 25% to 2.9GB. At the same time, fixed line usage declined dramatically, with outgoing calls dropping by 17% and the number of landlines in use dropping by 0.2 million to 32 million, revealing a definite and dramatic shift towards reliance on mobile communications and connectivity services.
67. Thus, it is clear that data-based technologies such as 4G are increasingly important to our everyday lives, even during usual circumstances, and 5G will arguably only intensify this.
68. The Ofcom Connected Nations 2020 UK Report⁷ outlines a sharp increase in both mobile and voice data, particularly during the enforced national lockdowns of 2020. The report states that average call volumes and average call duration increased in the week that national lockdown was introduced in March 2020, with mobile hotspots shifting away from city centres to the suburbs and residential areas as restrictions continued.
69. Significantly, the same report states that the consumption of mobile data saw a staggering rise of 42%, when compared with the previous year. Additionally, the traffic carried in England in June 2020 (during lockdown) exceeded that carried across the whole of the UK (England, Scotland, Wales, and Northern Ireland) in February 2020 (prior to lockdown).

⁵ Ofcom 2018 connectivity report - <https://www.ofcom.org.uk/research-and-data/multi-sector-research/cmr/cmr-2018/interactive>

⁶ Ofcom 2019 connectivity report – summary of key findings
https://www.ofcom.org.uk/data/assets/pdf_file/0028/155278/communications-market-report-2019.pdf

⁷ Ofcom Connected Nations 2020 UK Report (2020)
https://www.ofcom.org.uk/data/assets/pdf_file/0024/209373/connected-nations-2020.pdf

70. In his speech at Connected Britain 2020⁸, in September 2020, Digital Infrastructure Minister, Matt Warman, stated the following:

“COVID has altered the way we live, work and, most importantly, stay connected with our family and friends. The digital infrastructure that keeps us all connected was essential to our daily way of life under lockdown - and is now more important than ever as we head into recovery. Many of these changes - such as increased working from home - will stay with us for the foreseeable future”.

71. The implementation of a third national lockdown in January 2021 has seen a return of most aspects of life associated with the two previous lockdowns, and the same increases in voice calls and mobile data consumption is expected. Mr Warman also stated the following:

“The world is in the middle of a digital revolution. COVID has accelerated this process, digitising almost every part of our everyday lives and making the infrastructure that connects us more important than ever. That’s why it is at the top of the government’s agenda”.

72. Central Governments’ direction of travel is to support the roll-out of 5G technology and this has been facilitated by the relaxation of Permitted Development Rights. Since its initial roll-out in 2019, the Operators have continued to deploy 5G across the UK at pace. As outlined in the Ofcom Connected Nations Report⁹, the number of mobile base stations providing 5G services has more than doubled in the last 12 months, to over 6,500 sites across the UK.

73. The latest Ofcom Connected Nations Report¹⁰ shows that 47-62% of UK premises are covered by 5G from one Operator, whilst between 4-12% of the same UK premises are covered by all Operators. It is expected that both percentages will continue to grow as existing base stations are upgrade to enable the provision of 5G services, as well as the deployment of brand-new base stations in locations which currently received no signal from a particular Operator. The Report also goes on to state that mobile networks continued to perform well despite significant demands as people and businesses relied on their mobile phones during sustained periods of lockdown during the Covid-19 global pandemic.

74. Given the historical trend of increasing mobile phone usage and dependency, as outlined in Ofcom’s 2018 and 2019 Connectivity Reports, as well as the significant changes in user behaviour and increases in data consumption outlined in Ofcom’s Connected Nations 2020 UK Report, it is clear that the country’s reliance on these networks is at an unprecedented level and may never return to pre-pandemic levels. This is further reinforced by the figures provided within the Connected Nations 2021 and 2022 UK Reports.

⁸ Matt Warman’s Keynote Speech at Connected Britain 2020

<https://www.gov.uk/government/speeches/matt-warman-keynote-speech-at-connected-britain-2020>

⁹ Ofcom Connected Nations Report 2021

[Connected Nations 2021: UK report \(ofcom.org.uk\)](https://www.ofcom.gov.uk/consult/condocs/cn2021/cn2021.pdf)

¹⁰ Ofcom Connected Nations Report 2022

[Connected Nations update: Spring 2022 \(ofcom.org.uk\)](https://www.ofcom.gov.uk/consult/condocs/cn2022/cn2022.pdf)

75. West Midlands 5G (WM5G) is an organisation set up to accelerate the benefits of 5G throughout the region. WM5G is wholly owned by the West Midlands Combined Authority and works in partnership with public and private sector organisations. The following are examples of case studies which demonstrate how 5G technology can be applied to provide public benefits. The benefits will apply to anywhere in the country where 5G services are available and so the case studies are relevant to the appeal proposal, despite the appeal site falling within a different geographical region.

*'The outbreak of COVID-19 has cast a spotlight on mobile and broadband technology, the enabler for so many of the services we now rely on. **Keeping connected helps our healthcare services and other key workers respond to the COVID-19 pandemic, it helps those in lockdown at home interact with their loved ones via Zoom and other conferencing services, and it is also helping tens of millions of employees to work remotely.**'*

*'No matter how we end up emerging from this global crisis, the **trend of an increased demand for digital connectivity will only continue.** For example, now that the possibility has been proven, millions more workers will continue to rely on remote working in order to increase productivity and improve their respective work-life balances.'* (emphasis added)

'Recovering after coronavirus will require disseminating vital information, connecting crucial services, leveraging big data and artificial intelligence (AI) as well as adopting new ways of working – and this all needs to be supported by ensuring stable network connectivity.'¹

76. With regards to the impact of 5G services on Education WM5G has reported that:

*'From an academic perspective, **the ubiquity of high-speed broadband and mobile connectivity, combined with new virtual learning platforms, creates the opportunity to deliver education to anyone, anywhere in the world.** The ways in which we can all access and benefit from education are changing. Many are choosing to study online now... Equally, learning on the job is now possible too, thanks to technologies such as Augmented Reality (AR) goggles, which can **give engineers real-time instructions on how to fix a machine on a production line,** for example.'² (emphasis added)*

77. With regards to the impact of 5G services on Manufacturing, WM5G has reported that:

*'5G's increased capacity (ability to support thousands of devices on a factory floor at once), low-latency (ability to connect high volumes of devices in real-time) and enhanced security (through private networks which securely store data locally and can be managed on-site rather than in the cloud) make it ideal to support manufacturers to **transform productivity.** This opens up **endless possibilities for advancements** such as predictive maintenance, virtual reality and augmented reality.'³ (emphasis added)*

78. With regards to the impact of 5G services on Healthcare provision WM5G has reported that:
'5G will prove critical in providing the infrastructure required to deliver remote health services over the next decade. By design, 5G's ability to deliver real-time information (low latency), ultra-fast speeds (critical for high definition images and video), increased capacity and heightened security are going to be fundamental in scaling the patient benefits of remote healthcare and keeping medical records secure and private'

'trial demonstrated how a paramedic was able to perform a remote-controlled ultrasound scan on a patient in an ambulance over a public 5G network. Real-time high definition imagery was fed back to a physician over a 5G video link – something that 4G is not fast enough to support. The doctor in the hospital was able to control the ultrasound scan through a special haptic glove. This meant that the doctor could make a more accurate diagnosis on behalf of the paramedic, allowing the patient to be transferred to the most appropriate hospital to receive the right care'⁴ (emphasis added)

79. The Planning Inspectorate has also shown recognition of the vital importance of mobile connectivity. Evidence of this is provided by the three following appeals which were overturned by the Inspectorate and have been included as Appendices in this appeal.

80. In May 2016, the decision of The Council of the London Borough of Hillingdon to refuse planning permission for the installation of a 15m high streetworks pole supporting 6no antennas, 2no ground based equipment cabinets and development ancillary thereto was overturned by the Planning Inspectorate (CTIL and Telefonica UK Ltd Vs the Council of the London Borough of Hillingdon, appeal reference APP/R5510/W/16/3143922).

81. The scheme proposed the deployment of a 15m streetpole within 20m of an existing 15m streetpole, on highways land, within a Conservation Area. The Local Authority refused the application as they considered that the *"proposed development would result in an incongruous and visually obtrusive form of development"*.

82. Despite this, the Inspector's Decision Notice stated:

"The Framework sets out the importance of an advanced high quality communications infrastructure for sustainable growth and makes specific reference to the development of high speed broadband technology. This is reflected in the London Plan and the public benefit arising from the improvement of the telecommunications infrastructure is a material planning consideration that weighs in favour of the proposal.

Taking account of all matters I have concluded that the limited harm caused to the significance of the heritage asset (the CA) would be outweighed by the public benefit that would arise from improving the communications infrastructure"

83. In November 2018, the decision of Mendip District Council to refuse its Prior Approval for the installation of a 15m electronic communications mast and associated cabinet was overturned by

the Planning Inspectorate (Vodafone Ltd vs Mendip District Council, APP/Q3305/W/18/3206555). Within their Decision Notice, the Inspector stated:

“In considering the need for the proposal, Government policy, as set out in the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. In this respect, I have found that there is a need for the proposal which therefore weighs strongly in its favour. As I have found that the level of harm relating to this second main issue (i.e. the impact on the character or appearance of the Conservation Area and setting of the Listed Buildings – our comment) would be low, that identified need would outweigh the harm in this case”.

84. In October 2020, the decision of Elmbridge Borough Council to refuse planning permission for the installation of a 15-metre-high monopole incorporating shrouded antenna and supporting 2no external dishes was overturned by the Planning Inspectorate (EE Ltd and H3G UK Ltd Vs Elmbridge Borough Council, appeal reference APP/K3605/W/19/3243927). Within the decision notice, the Inspector stated that:

*“The mast would be taller and thicker than the existing nearby street lighting columns, road signs and overhead cable poles. Due to its height, the mast would be visible in local views from the public domain and from some residential properties in proximity....However, **such masts are becoming more commonplace within the urban environment and so it would not appear as an alien or unexpected feature**” (our emphasis).*

85. The above three appeals all relate to the installation of ground-based telecommunications apparatus; some of which were situated within Conservation Areas, and in close proximity to Listed Buildings. Despite the Inspector, in each instance, recognising the harm which these developments would cause to nearby heritage assets, all three appeals were allowed, with the Inspector on each occasion stating that the public benefit of each proposal outweighed the limited harm. The Appellants submit that no-such balanced assessment of the appeal scheme was undertaken by the Local Authority, and, as such, the benefits of the scheme were not recognised nor assessed in the decision-making process.

86. Whilst the above three appeals all relate to the installation of 15m-high monopoles, there are other examples of taller installations being allowed by the Inspectorate where it has been considered that the benefits of each scheme were not taken into consideration.

87. In October 2018, the decision of Winchester City Council to refuse its Prior Approval for the installation of a 17.5m high pole, supporting 3no antennas and associated ground-based equipment cabinets was overturned by the Planning Inspectorate (CTIL and Vodafone Ltd vs Winchester City Council, APP/L1764/W/18/3197522). Within their Decision Notice, the Inspector stated:

“There are several vertical structures along this part of the road including streetlamps, telegraph poles, street signs and traffic lights, but at 17.5m, the pole

would be considerably higher than any of these. Its additional width compared with other structures would also result in the pole appearing as a conspicuous feature. Whilst from some viewpoints a backdrop of trees would soften the appearance of the pole, from other locations along Andover Road, it would appear as a prominent feature. Its siting on the kerb build out close to the road carriageway would add to this prominence when viewed from positions closer to the site. Although such poles and associated cabinets are becoming more commonplace, the height of the proposed pole and its prominent siting would not assist its assimilation into the street scene when viewed from close quarters. There would therefore be some harm to the character and appearance of the area”.

88. Despite this, the Inspector concluded that

“the proposal’s public benefit in maintaining and enhancing local telecommunication coverage and capacity would outweigh the limited harm arising to the character and appearance of the area”

89. In March 2021, the decision of Broadland District Council to refuse its Prior Approval for the installation of a 17.5m high pole, supporting 6no antennas and a wraparound cabinet at its base; and 6no ground-based equipment cabinets was overturned by the Planning Inspectorate (Mobile Broadband Network Limited vs Broadland District Council, APP/K2610/W/21/3280694). Within the decision notice, the Inspector made specific reference to the ‘Living conditions of the occupiers of neighbouring properties’, stating that:

“At the location where the mast is proposed to be located there are houses which face onto, but are not accessed from, Dussindale Drive. These houses are set behind hedges and fences and separated from the proposed site of the mast by a cycleway and footpath. They also have front gardens and drives between the front elevation of the house and the cycleway and footpath. The proposed equipment cabinets would not be visible from these houses. However, the mast would be visible from the windows of their front elevations” (emphasis added).

“Policy GC4 of the DPD seeks, amongst other things, to consider ‘the impact upon the amenity of existing properties’ of new development. Whilst the proposed mast is significantly taller than other street fixtures in the area it has a slim profile and will be finished in a light grey colour. It is also set off the boundary with existing residential properties with a cycleway and footpath in between the proposed site and the boundary of the houses. In these respects, it is therefore consistent with Policy CG4 of the DPD” (emphasis added).

“Moreover, the residential properties have front gardens and drives between their front elevations and their boundaries. Consequently, given the slim profile of the mast, its light grey colour, and its distance from the front elevations of nearby properties I do not consider that its siting and

appearance would unacceptably harm the outlook of the occupiers of these properties” (emphasis added).

90. The above appeal is particularly relevant to this appeal, as it is a very similar to the situation in regard to the proximity of residential properties to the appeal site. As outlined in the Local Authority’s Decision Notice, and in further detail in the Officers Delegated Report, the appeal scheme was considered to be *“unduly harmful to the character and visual amenity of the streetscene and nearby residential properties, as well as the adjacent green space off Carill Avenue”*. As outlined in paragraph 107, that appeal scheme was closer to the boundary of residential properties than proposed at the appeal site, with that scheme also being visible from front windows. However, despite the similarities in both appeals, there are also significant differences. As part of appeal APP/K2610/W/21/3280694, a 17.5m monopole was proposed, rather than a 15m as is proposed at the appeal site. The 17.5m monopole is a more robust structure than the proposed 15m monopole, and 6no. ground-based equipment cabinets were proposed, as opposed to 3no. ground-based equipment cabinets in this instance. In almost all elements of appeal APP/K2610/W/21/3280694, the scheme led to a greater visual impact on the surrounding area – it was taller, wider, more robust, accompanied by more ground-based cabinets, not framed within views of mature trees, closer to the boundary of residential properties, and visible from more residential properties and windows. Despite all of this, the Planning Inspectorate allowed the appeal.
91. The Appellants submit that the same principles should have been applied to the original application, and, if that were the case, it would have led the Local Authority to granting planning consent, rather than refusing it.
92. Whilst the two appeals outlined above relate to the installation of monopoles measuring 17.5m high, there are further examples of monopoles that are even taller, being considered acceptable by the Planning Inspectorate.
93. In November 2021, the decision of the London Borough of Hillingdon Council to refuse their Prior Approval for the installation of a 20-metre-high monopole and associated cabinets was overturned by the Planning Inspectorate (MBNL Limited Vs London Borough of Hillingdon Council, appeal reference APP/R5510/W/21/3269903). Within the decision notice, the Inspector stated that:

“Based on the evidence before me, the height of the monopole would be substantially taller than the mature trees which bound the site. Accordingly, it would represent a significant departure from the established height of existing lampposts with the height of the proposed structure representing a visually dominant addition to the existing environment. Due to the substantial height of the monopole, and plethora of associated cabinets, the proposal would detract from the pleasing greenery within which it would be located. This would harm the established landscape feature which positively contributes to the surrounding area as well as causing some harm to the visual amenities of surrounding properties, particularly those within converted office premises. (emphasis added).

“The proposal would also be located relatively close to three Grade II Listed Buildings. However, because the proposal does not seek planning permission or permission in principle, the duty established within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, does not apply to this proposal. Despite this, the Framework still requires the heritage implications to be fully considered”. (emphasis added).

“Accordingly, although the siting and appearance of the proposed development would cause some limited harm to the setting of the nearby listed buildings, I am satisfied that the economic and social benefits of the proposal, would outweigh this harm” (emphasis added).

94. In June 2021, the decision of Ashford Borough Council to refuse their Prior Approval for the installation of a 20-metre-high monopole and associated cabinets was overturned by the Planning Inspectorate (Telefonica UK Limited Vs Ashford Borough Council, appeal reference APP/E2205/W/20/3261389). The Inspector included the following in their decision notice:

“Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies SP1, SP6 and ENV13 of the Ashford Borough Council Local Plan to 2030 are material considerations as they relate to issues of siting and appearance. In particular, they seek to secure high quality design and to avoid development that would cause loss or substantial harm to the significance of heritage assets. Similarly, the National Planning Policy Framework is also a material consideration and this includes a section on supporting high quality communications” (emphasis added).

95. In June 2021, the decision of Sheffield City Council to refuse their Prior Approval for the installation of a 20-metre-high monopole and associated cabinets was overturned by the Planning Inspectorate (MBNL Limited Vs Sheffield City Council, appeal reference APP/J4423/W/21/3268791). Within the decision notice, the Inspector stated that:

“Paragraph 80 of the Framework advises that significant weight should be attached to the economic benefits of providing and enhancing electronic communications infrastructure. Paragraph 112 advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that the expansion of electronic communications networks, including next generation mobile technology, such as 5G, should be supported.

The proposal would reinstate 2G, 3G and 4G coverage within the area as well as providing 5G coverage, services would collectively increase network capacity and provide ultra-fast and more reliable mobile connectivity, capable of handling ever increasing data requirements. The development would provide extensive social and economic benefits to individuals, businesses, and public services, including

education and healthcare. The Council does not question the social and economic benefits that would result from the proposal but concludes that they do not outweigh the harm found. However, as no suitable alternative sites have been identified, I attach substantial weight to the benefits that would result from the proposal.

In weighing all the above matters, although I have found that the siting and appearance of the proposal would significantly harm the character and appearance of the area, I consider the substantial social and economic benefits of the proposal outweigh the harm identified" (emphasis added).

96. The Appellants submit that the same conclusions can be drawn from the eight appeal schemes outlined above, and that the same environmental, economic and social benefits will be brought forward via high-quality and reliable communications infrastructure, which is encouraged by national and local planning policy, and the enhanced provision of local network services to the surrounding area.
97. The Appellants encourage the Planning Inspectorate to make a clear distinction between 'visibility' and 'harm', and, submit that, despite the appeal scheme being visible, it is not harmful. Furthermore, it is certainly in no way harmful enough to justify the Local Authority's refusal, when it is compared to the significant public benefits that it will be bring forward.
98. As with the deployment of all telecommunications base stations, at every local authority across the UK, the height of the apparatus is solely dictated by its function and the surrounding area. In this instance, the appeal scheme has been reduced in height to the very lowest (15m) deployable, without impacting on the operational efficiency of the apparatus. This was justified to the Local Authority in a detailed email to the Case Officer during the life-span of the application, suggesting that the lower height (15m), when compared to other, taller, installations that have been approved at both Local Authority level, and allowed at appeal, is wholly acceptable and exactly the type of apparatus that is expected to be deployed on roadsides and nearby to designated areas.
99. Furthermore, the Local Authority's Delegated Officer Report states the following:
- "It is noted that nearby street furniture is varied in the locality in terms of materiality. However, existing street furniture is limited in scale, the proposed development would introduce a dominant feature, alien in scale to all existing furniture. The 15m high mast will be a dominant element of the streetscape, towering over existing street furniture, trees and buildings".*
100. As outlined in the preceding paragraphs, the size, scale and robustness of the appeal scheme has been reduced as far as practicable. The apparatus us designed to perform **one** single function – to provide network connectivity, capacity and coverage to the local area, for Three UK. This single function dictates the height which is required for the apparatus to be operationally efficient and effective. If the apparatus was reduced in height, it would not be able to fulfil the sole function for which it is present.

101. Paragraphs 79 – 96 of this statement provide examples of situations where 15m-, 17.5m-, and 20m-high monopoles have all been allowed by the Planning Inspectorate, after it has been determined that due weight was not applied to each of those applications in terms of the provision of high-quality telecommunications services, which is actively encouraged within the NPPF.
102. Respectfully, the Appellants suggest that the same notion should be applied here, with no reference within the Officers Delegated Report to the benefits of the scheme, but that it rather focused on the visual impacts, and the visual impacts only.
103. Furthermore, in relation to paragraph 96, above, the Appellants do not concur that the proposed apparatus would tower over existing trees. The Appellant would query such a suggestion, again seeking clarity on whether the assessment was based on the 15m monopole proposed as part of this scheme, or the 20m monopole which is referenced within the Officers Delegated Report. If it relates to the 20m monopole, then this assessment is both inaccurate and invalid. A suite of detailed planning drawings were provided within the original planning application, clearly showing the proposed 15m mast in close proximity to mature trees measuring 10m in height. The trees in this location are mature and the appeal scheme will not ‘tower’ over them, but rather benefit from the screening they provide. This was a specific intention when the appeal site was identified at search stage.
104. The Local Authority, in refusing to grant their Prior Approval of the appeal submission, state the following within their Officers Delegated Report:
- “As the equipment would sit in front of green open space and close to a line of trees, the proposal would create an incongruous feature within the streetscene and would juxtapose the Site of Biological Importance to the rear. In turn, this would be harmful to the visual appearance of the area for residents utilising the green space. The proposed mast would be particularly noticeable and would dominate existing street furniture, detracting from the attractive, green and open character of this part of Carill Avenue.”*
105. In response to the above points, the Appellant would again refer to the height of the trees which will provide suitable screening and backdrop to the appeal scheme. A number of the appeal examples involved locations which were either within designated area, next to designated areas, and/or in close proximity to heritage assets and Listed Buildings. Despite harm being identified in all of the appeal examples, the Planning Inspector, in each instance, stated that the social, economic and environmental benefits of the scheme outweighed the identified harm, even where heritage assets and planning designations were present. The Appellants submit that the same notion can be applied to the appeal scheme and that the scheme itself is wholly acceptable and in alignment with national planning policy, and therefore Prior Approval should have been granted at application stage.

Technical Constraints

106. The design of the appeal proposal, and thus the level of visual impact, is directly influenced by the technical constraints of deploying a new base station. As this base station will provide

network coverage for Three UK, and multiple technologies (3G, 4G, and 5G) the height and width is dictated solely by operational functionality.

107. The Code of Practice for Wireless Network Development in England (2022) replaces the Code of Best Practice on Mobile Network Development in England (2016). The Code of Practice of was produced by a working group comprising, the Department for Culture Media and Sport, the Department of Levelling Up, Housing and Communities, the Department for Environment, Food and Rural Affairs, The Department for Transport, Historic England, Natural England, National Highways, Mobile UK, Cornerstone Telecommunications Infrastructure Limited, Mobile Broadband network Limited, Cellnex UK, Wireless Infrastructure Group, Local Government Association, National Parks England, National Association of Areas of Outstanding Natural Beauty, Ofcom, and the Planning Officers Society. The Appellants take guidance from it in the siting and design of all their new sites and upgrades.
108. The principal aim of the Code of Practice is to support the Government's objective of delivering high quality communications infrastructure whilst balancing these needs with environmental consideration. The Code of Practice recognises that *"digital connectivity is vital to enable people to stay connected and businesses to grow. Fast reliable digital connectivity can deliver economic, social and well-bring benefits for the whole of the UK"*.
109. Paragraph 9 of the Code of Practice states:
- "As the demand for mobile data in the United Kingdom is increasing rapidly, it is important that everyone has access to dependable and consistent mobile coverage where they live, work and travel"*.
110. In relation to the provision of the 5G network, for all Operators, across the UK, the Code of Practice states:
- "With the introduction of 5G, more equipment will be required to provide coverage and capacity. 5G, as well as 4G, are data-driven technologies, and high volumes of data will be transmitted between base stations and wireless devices. 5G will require a denser network of base stations than previous generations, including more fixed line fibre optic cable for reliable and high capacity backhaul. The siting of 5G installations will be more constrained and guided by these special technical and operational considerations"*
111. It is submitted by the Appellant that the appeal scheme has been reduced as far as practicable, in accordance with the Code of Practice and the GPDO, to ensure that the minimum level of apparatus, at the minimum height, is deployed in this instance.
112. As technology has continued to advance, the technical constraints associated with the deployment of 5G compatible sites place even greater limitations on siting and design opportunities, leading to the creation of the Code of Practice (2022), in place of the previous Code of Best Practice on Mobile Network Development in England (2016), in which these constraints are detailed at length.

113. Of particular relevance to the appeal scheme is paragraph 39, which states:

*“Mast positioning: all new masts should be sited, so far as is practicable, so as to minimise their impact on their setting, including the landscape and any buildings. This includes siting next to similar structures - **streetworks masts, for example, should ideally be sited in line, and in harmony, with existing vertical infrastructure, such as street lighting columns, to minimise their visual impact. Placing a mast within or adjacent to an existing group of trees, vegetation and other natural features can reduce visual impact**”* (our emphasis).

114. In terms of the appeal site, it is wholly aligned with the guidance provided within the Code of Practice (2022). The proposed monopole has been specifically positioned to ensure that it remains in-line with existing streetlighting columns which illuminate the Carill Avenue, as the above guidance states. Furthermore, the proposed monopole has been positioned in close proximity to an existing group of trees to ensure that visual impact is screened and public views of the installation are suitably filtered, to some degree.

115. A justification for the design specifically selected for the appeal site was also provided within the Supplementary Information document. It was confirmed that every element of the proposed design had been kept to the minimum, in terms of volume and scale of apparatus, permitted by operational requirements, and that there was no scope to alter the design from that which was proposed.

3.2: The Planning Policy Context Of The Refusal

116. As outlined in paragraph 2 of this document, the Local Authority cited one reason for refusal within their Decision Notice in which they considered the appeal scheme failed to comply. This reason for refusal related to the height, siting and appearance of the development and the impacts that will be caused because of this.

117. As outlined in this document, the Appellants do not concur with the Local Authority's decision, nor the suggestion that the appeal scheme would result in an unacceptable impact upon visual amenity. Paragraphs 27 – 41 of this document explain exactly how the visual impact of the scheme has been minimised, with clever site selection – away from residential properties and adjacent to mature trees; the use of colour on the apparatus; the alignment with the existing street furniture; and the fact that the monopole measures 15m, when 20m is now considered to be the accepted 'normal'.

118. The Local Authority state that planning consent was refused on the grounds that the appeal proposal would be harmful to the visual amenity of the area. The Appellant submits that this is not the case and that the Local Authority's determination of the appeal submission does not afford appropriate weight to the siting and design of the scheme, but also the numerous public benefits that would be brought forward by it, which the Appellants consider outweigh any perceived visual impact. Furthermore, in assessing a 20m monopole, rather than a 15m monopole, as is proposed within the appeal scheme, the Local Authority have undertaken an incorrect assessment and arrived at a conclusion which relates to a scheme which is not proposed. Fundamentally, the same

conclusions cannot be applied to two entirely different schemes which result in significantly different visual impacts on the surrounding areas. That the Local Authority's entire reason for refusal relates to the visual impact of the scheme is considered unjustified and indefensible, given that an incorrect scheme, and therefore incorrect impacts, were assessed and formed part of the decision-making process.

3.2.1 National Planning Framework

119. Paragraph 11 of the NPPF states that a presumption in favour of sustainable development lies at the heart of the planning system and, in respect of decision-taking, this means that development proposals that accord with the provisions of the Development Plan should be approved without delay.

120. Paragraph 7 of the NPPF states:

"The purpose of the planning system is to contribute to the achievement of sustainable development", and in paragraph 10 that "at the heart of the Framework is a presumption in favour of sustainable development".

121. In order to achieve the sustainable development objective, the NPPF has identified 3 overarching objectives (paragraph 8):

***a) an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure (our emphasis);*

***b) a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

***c) an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

122. This theme is developed further in Section 10 'Supporting high quality communications' of the Achieving Sustainable Development section of the NPPF (paragraphs 114-118) where the government sets out its objectives for national communications planning policy. Paragraph 114 emphasises that advanced, high quality and reliable communications infrastructure is essential for

economic growth and social well-being, and that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as the appeal scheme. The appeal scheme will ensure that high quality services and network coverage is continued within the local area.

123. Paragraph 115 encourages electronic communications masts “*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.... Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate*”.
124. Whilst the appeal site may be a ‘new’ site, in the sense that it would be deployed where there is currently no base station, it is designed to provide brand-new coverage to the local for Three UK. In order for the Operator to provide any level of coverage to a particular area, the necessary apparatus must be deployed to enable this service provision, which is supported in paragraph 114 of the NPPF.
125. For the avoidance of doubt, there is no suggestion from the Local Authority that the appeal scheme does not accord with the NPPF legislation.

3.2.2 Local Guidance

126. Section 70 of the Town and Country Planning Act 1990 requires planning applications and appeals to be determined having regard to the provisions of the Development Plan and other material considerations, and section 38 of the Planning and Compulsory Purchase Act 2004 requires applications and appeals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
127. For the purposes of Section 70, the current adopted development plan for Manchester City Council, relevant to the proposal, is The Core Strategy Development Plan 2021-2027 (“The Core Strategy”) (adopted July 2012). This document is supported by saved policies from the Unitary Development Plan for the City of Manchester (1995).
128. The Local Authority justifies the refusal of its Prior Approval through assertion of conflict between the Appeal proposal and Policies DM1 (Development Management) and SP1 (Spatial Principles) of The Core Strategy, and saved policy DC17.1 of the Unitary Development Plan.
129. Policy DM1: ‘Development Management’ of “The Core Strategy” (July 2012) is intended to ensure that new developments contribute to the overall aims of the Core Strategy; which includes “*protection of amenity and local character, environmental standards and practical matters such as access and safety*”. The Local Authority have given the appeal scheme’s non-compliance with this policy as grounds for refusal. The policy, in its entirety, is broken down into 15 bullet points, 3 of which are included within the Officers Delegated Report. They are repeated below for clarity:

“Policy DM 1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- a) Appropriate siting, layout, scale, form, massing, materials and detail.*
- b) Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.*
- c) Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.*

130. The bullet points which make up DM1 are not numbered within the Core Strategy, but, for ease of reference, have been numbered above.

131. The Planning Inspectorate is respectfully requested to acknowledge that policy DM1 is not geared towards the development of telecommunications networks, and the infrastructure that is required to support them. As such, the Appellants submit that such a policy cannot legitimately take into consideration the design constraints that dictate the size, scale and form of the appeal proposal, or any telecommunications proposal for that matter.

132. However, in terms of a) *“Appropriate siting, layout, scale, form, massing, materials and detail”*, this statement has provided a robust justification for the level of apparatus which is proposed, and for the height of the monopole (15m). In terms of appropriate siting, it should be acknowledged that the deployment of any telecommunications apparatus in an area of dense residential housing is likely to have some impact on visual amenity. It is submitted that the best location has been brought forward which minimised the visual impact of the scheme through clever siting – i.e. the positioning of the monopole as far away from the nearest residential property as practicable, allowing it to be off-set from the front of the same property, and also framed within views of mature trees. Whilst a 15m monopole is proposed as part of the appeal scheme, it is clear that the deployment of a 20m monopole has incorrectly been undertaken by the Local Authority. The Appellants therefore submit that the result of this assessment is invalid, and, in fact, prejudices the scheme as the harm will undoubtedly be considered greater if the monopole is assessed as being 5 metres, or 33% taller, than is actually proposed.

133. In terms of layout, scale, form, massing, materials and detail, the apparatus has been reduced to the lowest level of equipment – 3no ground-based cabinets and a 15m monopole. Given that 20m monopoles are now routinely deployed in similar setting, it is considered that the maximum reduction possible has been applied in regard to the appeal scheme. A significant section of this document, titled ‘Technical Constraints’, paragraphs 106 – 115, as well as within the Supplementary Information document submitted with the original planning application, outline the choice for design and the constraints which are faced in the deployment of any new telecommunications base station.

134. The same principles can be applied to the assessment of the appeal proposal to b) *“Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area”*. The Appellants have demonstrated within this statement that the apparatus has been ‘scaled-down’ to

the maximum effect, to ensure that the visual impact of the scheme has been reduced as far as practicable. However, it is clear that the Local Authority have not assessed this 'scaled down' scheme, but rather a far taller one. As discussed above, any new telecommunications installation deployed in any residential area is likely to have some level of visual impact – these impacts have clearly been exacerbated by assessing a completely different scheme than the one before them. The Appellants submit that these impacts have actually been minimised as far as practicable and, when a balanced assessment of the benefits brought forward as part of the scheme are compared to the harm which may be caused, it is considered that the best town planning and environmental solution has been selected.

135. The Officers Delegated Report does not suggest that the appeal scheme would lead to a loss of light, the creation of an unacceptable level of noise or vibration, a reduction in air quality or an unacceptable level of traffic generation. When point c) (of Policy DM1) above, is assessed against the appeal scheme, the only points that could conceivably be assessed against the scheme are those of 'privacy' and 'road safety'.

136. The Highways Services offered no objection to the scheme, but made the following comments:

"Both the mast and associated antennas and cabinets appear to be place at the back of the adopted footway. It is unclear how large the equipment is and how much footway will be used."

137. As part of the original application, a scale drawing (1:100) was provided showing the Proposed Site Plan (drawing number 215 within the supporting drawing pack). There is further information regarding the dimensions and measurements of the equipment provided in the Supplementary Information Pack. No objection was offered by the Highways Team in regard to any impact on road safety.

138. As such, the only remaining point of c), that needs to be assessed against the appeal scheme, is that of loss of privacy. The Local Authority has clearly determined that the perceived loss of privacy for the residential property opposite the appeal site is of greater importance than the shared public benefits which will be brought forward as part of the scheme. Examples of similar appeals have been provided within this statement, in particular paragraphs 89 – 90, which relate to a taller and more robust telecommunications base station, in closer proximity to residential housing than that proposed at the appeal site (Appeal Ref: APP/K2610/W/21/3280694). That this appeal was allowed, is significant, as are the Planning Inspectors comments within the Decision Notice (paragraph 98). Should the same criteria be applied to this appeal, then the development would be allowed.

139. The principles of Policy DM1 are inextricably linked to the aims of The Core Strategy, which includes an improvement of lives and social interaction within the Local Authority area. The resulting improvement in connectivity, coverage, and capacity, for the Appellants mobile network, in the local area, is of significance to improving lives and social interaction within the area. Were this apparatus to be deployed in any residential area within the Local Authority's jurisdiction, it would be expected to result in some level of visual impact. The Appellants have carefully and considerably selected what they believe to be the best and most appropriate solution. Whilst Policy DM1 is acknowledged

by the Appellant, and the aims it strives to achieve are understood, it is unlikely that any 'new' development within an already built-up area is able to fully comply with all elements of the policy. Furthermore, if development proposals are assessed as being 33% taller than they are actually proposed, any proposal is likely to be non-compliant with any such policy. As such, the best option should be brought forward and considered acceptable, where it is clear that efforts have been made to reduce the loss of visual amenity.

140. The Appellant notes that, included within the Officers Delegated Report, the Local Authority states that the proposal is *"out of context in the streetscene and detrimental to the character and appearance of the open nature of the surrounding area and the visual amenity of neighbouring residential occupiers"*.

141. The Appellant submits that the above statement is entirely subjective, and, given that similar apparatus is routinely deployed within residential and suburban settings, without the benefit of mature tree screening, then it is entirely suitable for deployment at the appeal site. Given that 66% of the entire proposal is screened, and or backdropped, depending on the direction of viewing, then it is submitted that no better, alternative site could be identified within the local area. As outlined in this document, the antennas cannot be screened for operational reasons; therefore the screening level is actually higher than 66%. As can be seen within the submitted Planning Drawings, the underside of the antennas measures 12m. Therefore, screening can only be achieved up to 12m. As 10m is achieved at this location, that equates to 80% screening of the 'screen-able' monopole. This is considered to offer an excellent town planning and environmental solution. It is of note that this was not acknowledged in the Officers Delegated Report. The Appellant suggests that, if an assessment of a 20m monopole was undertaken, rather than a 15m monopole, and the screening therefore only 50%, rather than 80%, whether the same conclusions can be drawn and attributed to the appeal scheme. The Appellant submits that they cannot, and that therefore the Local Authority's assessment is invalid, unjustified, and, ultimately incorrect.

142. As outlined in paragraphs 8, 9 and 10 of this statement, the appeal scheme was specifically positioned at the appeal site to ensure that it was not in direct view of any residential property, thereby minimising the visual impact as far as practicable. Given the nature of the surrounding area, as discussed above, the Appellants successful identification of a site which did not sit directly outside a residential property within this area was challenging and must be acknowledged within the decision-making process. It is clear that it was not.

143. It is submitted by the Appellant, that when the information provided in paragraphs 127 – 142 is assessed, then the inclusion of non-compliance with policy DM1 as grounds for refusal is unreasonable.

144. Policy SP1: 'Spatial Principles' of "The Core Strategy" (July 2012) lists the key principles which will help guide the strategic development of Manchester to 2027. It provides the Core Development Principles, which the Local Authority has deemed the appeal scheme is not compliant with three of the seven policies. These are as follows:

"Development in all parts of the City should:-

- Make a positive contribution to neighbourhoods of choice including:-*

- *creating well designed places that enhance or create character.*
- *making a positive contribution to the health, safety and wellbeing of residents*
- *considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.*

145. The Local Authority have given the appeal scheme's non-compliance with this policy as grounds for refusal. Not all of these points are considered relevant to telecommunications development. However, the over-arching aim of the policy is to make positive contributions to any given neighbourhood and provide benefits and opportunity to said neighbourhood.

146. It is therefore submitted that this is exactly what is achieved through the development of high-quality telecommunications networks, as advocated within the NPPF. In terms of the three bullet points listed within Policy SP1, this document has provided a robust justification for the exact siting of the proposed apparatus. The social, economic and environmental benefits that are brought forward through the provision of new mobile coverage, capacity and connectivity to residential neighbourhoods will both enhance and create character for residents. As outlined in this document, public dependence on mobile networks is at an unprecedented level. If mobile networks are not improved within a particular area, it could be suggested that this will in fact be in complete conflict with SP1, in that these neighbourhoods ultimately become disadvantaged when compared to other neighbourhoods which benefit from the most modern connectivity available (i.e. 4G and 5G). It is therefore submitted that a lack of the best available mobile connectivity is inadvertently achieving the opposite of 'enhancing character'.

147. Furthermore, the 'health, safety and wellbeing of residents' is assisted via the provision of services which allows enhanced social benefits, that undoubtedly assists in making a positive contribution to public health, and, as is becoming increasingly prominent, public mental health. Given that during 2020 and 2021, the public experienced long periods of time where social interaction was limited to 'virtual only', providing access to the most modern mobile networks services is considered of vital importance. The Covid-19 pandemic emerged in 2020 and dictated every single aspect of public life for a considerable period of time. There is no way of knowing if another global pandemic will emerge and have a similar effect. Whilst this may seem unlikely, retrospectively nothing seemed more unlikely at the start of 2020 than three national lockdowns, a global travel ban, and being able to leave our homes for 1 hour per day. It is not suggested that the deployment of the appeal scheme is necessary to ensure that all eventualities are covered and that any future national lockdowns are pre-empted, but rather that it is a factor which was not a consideration when SP1 was formulated or adopted. The 'virtual only' interaction which became so evident during 2020 and 2021 has continued into 2022, which has been outlined in paragraphs 54 – 79, showing that mobile data consumption has continued to grow year-on-year. In order for this demand to be met, the necessary infrastructure must be deployed, and, given that these interactions typically take place in a residential setting, the necessary infrastructure must be deployed within a residential setting. These services are essential to the health and wellbeing of neighbourhood residents and it is submitted by the Appellant that this appeal scheme is wholly compliant with the aims of the SP1.

148. The appeal site, positioned on a pedestrian footway, will result in no loss of open space, or previously undeveloped land.

149. The Local Authority include SP1: 'Spatial Principles', and the appeal scheme's non-compliance with it, as ground for refusal. However, as outlined in the preceding paragraphs, the Appellant submits that the appeal scheme is wholly compliant with SP1, and its aims, and the Local Authority's inclusion of this policy, as grounds for refusal, is unreasonable.

150. The appeal scheme's non-compliance with saved policy 'DC17 Telecommunications' is given as grounds for refusal. For completeness, this policy states the following:

"Applications for telecommunications developments will normally be approved if the Council can be satisfied that the development has been sited and designed to minimise its impact on residential amenity and in environmentally sensitive areas. Wherever possible, the Council will expect the potential of existing buildings and masts, including the sharing of such facilities, to be fully explored before agreeing to additional separate development".

151. This policy, albeit a 27-year-old policy, is used to assess the acceptability of modern-day telecommunications sites within the Local Authority area. The supporting justification which accompanies this policy states that *"The Council recognises the need for **Manchester to be at the forefront** in the field of telecommunications. The Council therefore starts from a **presumption in favour** of new development and investment in the telecommunication systems serving the City"* (emphasis added).

152. Our dependence on the established mobile networks is now at an unprecedented level, as outlined in paragraphs 63 – 69 of this document, whilst the data provided in paragraph 73 shows a clear trend that network connectivity is no longer considered to be a luxury, but rather an expectation and a direct need.

153. The proposed apparatus only serves one function – to provide communication services and mobile network coverage to the local area. The equipment has **no** other function. As such, the appearance of the equipment, and the height of the equipment, is dictated purely by functionality and technical constraints. As outlined within this document, as well as within the original planning application, the proposed apparatus is of the smallest size, scale and height that can achieve the desired network coverage to the local area. As such, all steps have been taken to minimise the visual impact of the scheme through both siting and appearance, as required within GPDO Prior Approval applications, and both local and national planning policy.

154. There are no opportunities to 'share' existing apparatus, and, as the surrounding area consists of two-storey residential properties, there is no opportunity to deploy the apparatus on any existing rooftop or structure.

155. As per Policy DC17, the proposed development is **not required to avoid any and all visual impact**, but rather to ensure that it has been designed to *"minimise its impacts on residential amenity"*. The Appellants submit that the appeal proposal achieves this and justification has been

demonstrated in this document. As such, the Appellant's contest the inclusion of this Policy, and the assertion that the appeal scheme does not comply with it.

156. The apparatus that makes up the appeal scheme should be assessed as any other piece of single-function street furniture – i.e. a street lighting column. The Appellant submits that the most appropriate way to integrate a telecommunications installation into the surrounding area is to utilise the existing natural, and built, environment to reduce its prominence. This position is supported by the Code of Practice 2022 and is exactly what has been achieved with the appeal scheme. The proposed 15m monopole would be positioned in close proximity to 10m trees, thereby backdropping the proposed structure with 66% screening. As highlighted in paragraph 141, this equates to 80% screening of the 'screen-able' element of the monopole.
157. Given that apparatus identical to that which is proposed as part of the appeal scheme, is often seen within suburban areas, and on highways verges, **without** the benefit of a backdrop, identifying a suitable location which provides any element of screening can only assist in reducing the visual impact of any proposal. In this instance, 66% of the proposed structure will be backdropped by the existing mature tree cover, depending on the direction of viewing. The appeal site benefits from an unusually high level of dense screening and is therefore considered an excellent planning solution. It is submitted that the identification of this site, with all of the positive planning criteria that it conveys, and the measures taken by the Appellant to reduce the impact of the scheme, will ensure that any detrimental effect on the local area will be reduced as far as practicable.
158. That being said, any development at any location will have some level of visual impact on the local area. The appeal proposal is solely designed to provide a service to the local area. The deployment of the infrastructure to provide this service is unavoidable, as without it, there can be no network. The assessment that must be undertaken is clear – do the public benefits of new network connectivity, coverage, and capacity, to the local area outweigh any visual impact that the proposed development may cause. The Appellants submit that the provision of network coverage to the local area is of paramount importance. Additionally, the Appellants submit that the assessment undertaken by the Local Authority has not taken into consideration the public benefits that will be brought forward as part of the appeal scheme.
159. The design of the proposed structure is solely dictated by functionality and technical parameters. The Appellants submit that the design is appropriate and that is borne out by the fact that this type of apparatus is now widely accepted within suburban and residential areas across the UK. The Appellants also submit that a 20m monopole, and the harm that it would cause, made up the basis of the Local Authority's assessment, rather than the deployment of a 15m monopole at the appeal site. The 'harm' identified by the Local Authority was therefore exacerbated and not realistic or relevant to the appeal scheme. This is of major significance when the reasons for refusal given within the Decision Notice all relate to the height of the installation, and the impact that it will cause on the surrounding area. It is not contested by the Appellant that a 20m monopole will be more visually intrusive than a 15m monopole, but it is the Appellants view that this assessment was wholly incorrect and therefore invalid in terms of reaching a fair, and legitimate, decision.

160. The Appellants submit that a strong case has been made for this appeal to be allowed and that the refusal of the application on the grounds cited is not defensible.

Section 4: Summary

161. The Appellants have provided evidence of the benefits of high quality communications infrastructure in terms of boosting economic growth, promoting social inclusion and enhancing the provision of local community facilities and services. It is submitted that the Local Authority did not give sufficient weight to this need when balancing the limited impact of the appeal proposal on the wider area against the increasing importance of providing reliable digital connectivity, in the wider public interest. There was no reference to any of these benefits in either the Local Authority's Decision Notice, or the Officers Delegated Report. It could therefore be interpreted that these benefits did not form part of the Local Authority's assessment or decision-making process, and that the visual impact of the appeal scheme was the only factor that was considered, rather than the balanced assessment advocated within the NPPF of benefit vs harm. That this assessment referred to a 20m monopole is also relevant, with all visual impact and harm exacerbated by an additional 33% in height. As such, the balanced assessment can not be anything other than skewed and biased, as the Local Authority have assessed a scheme which is not actually proposed, to the detriment of the Appellant and their original application.
162. The Appellants have addressed the reasons for refusal within this document, both of which relate to the perceived visual impact of the appeal scheme, and the Local Authority's suggestion that the scheme, and the impact that it will have, has not been minimised as far as practicable.
163. As outlined in this document, the demand on the existing mobile networks is at an unprecedented level, with mobile data consumption now at its highest monthly figure in history. This is supported by the Ofcom Connected Nations Reports which are referred to at various points of this statement. In order to provide the next level of technological advancement – i.e. 5G connectivity, capacity and coverage – additional base stations are required across the UK. The appeal scheme will provide 5G coverage for Three UK to Harpurhey. This will benefit residents, businesses, and people who have now elected to work-from-home, post-pandemic. Increases in online shopping, gaming, streaming services direct to handset, video-calling, and socialising, in general, require the necessary infrastructure to be in place to provide services which enable these activities to take place. Without this infrastructure, none of the above will be achievable. Ensuring that mobile connectivity is continually enhanced and improved, via 5G, is a direction of travel which is supported by Central Government.
164. It has been demonstrated that the appeal proposal, by reason of its appropriate siting and design, would not result in an unacceptable or detrimental impact on the character or appearance of the local area and that every effort has been made to reduce any impact on the surrounding area.
165. As such, the Appellants submit that the scheme is viable from a town planning perspective and that any impact on visual amenity is considered to be outweighed by the social, economic and environmental benefits which would be brought forward as part of the deployment of this base station. The Appellants also submit that the Local Authority should have come to the same

conclusion, if their assessment of the scheme had been accurate, rather than based on apparatus which was 5m taller than that which is proposed.

166. For these reasons, the Inspector is respectfully requested to allow the appeal and grant planning consent for the proposed development.

