

Appeal Decision

Site visit made on 7 September 2016

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2016

Appeal Ref: APP/G5180/W/16/3150460

Land in the highway verge, Main Road close to its junction with Hanbury Drive, Biggin Hill, London, TN16 3EH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CTIL, Vodafone Ltd and Telefonica UK Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/05247/FULL1, dated 30 November 2015, was refused by notice dated 24 April 2016.
 - The development proposed is described as proposed 12.5m Hutchinson Engineering Dual Stack T-Range Replica Telegraph Pole on new root foundation and associated ancillary development.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues include:
 - a) Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy.
 - b) The effect of the proposal on the openness of the Green Belt.
 - c) The effect of the scheme on the character and appearance of Biggin Hill RAF Conservation Area (BHCA).
 - d) If the proposal does amount to inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including any public benefits, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal amounts to inappropriate development in the Green Belt

3. The NPPF explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Also, that when
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considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

4. The NPPF lists various types of new development that may not be inappropriate in the Green Belt. It includes limited infilling in villages under policies set out in local plans. Policy G1 of the London Borough of Bromley Unitary Development Plan 2006 allows for limited infilling within the designated major developed sites at Biggin Hill airport. The Appeal site is within this area, which is identified on the Local Plan proposals map and is subject to policy BH2 of the UDP. Policy BH2 defines infilling as the filling of small gaps between the built development.
5. The proposed apparatus would be sited within a triangular shaped open green between Main Road, Hanbury Drive and various dwellings fronting Hanbury Drive and Main Road. The open green extends to some 0.1 hectares and is some 60 metres in width and up to some 25 metres in depth. The siting of the proposed telecommunications apparatus within this open green could not reasonably or sensibly be described as infilling.
6. I therefore conclude on this main issue that the proposal would amount to inappropriate development in the Green Belt, contrary to the NPPF and policy G1 of the UDP. Substantial weight must be given to the harm resulting from the inappropriateness of the proposed development.

The effect of the proposal on the openness and visual amenity of the Green Belt.

7. As stated in the NPPF the fundamental aim of Green Belt policy is to prevent urban sprawl and to keep land permanently open. The proposed pole and cabinet would be sited in a prominent position on the outside of a bend, mid-way along and some two metres into a small open green. The pole and cabinet would be highly visible in views along Main Road in both directions and from Hanbury Drive. Notwithstanding its modest footprint and the slim-line design of the pole, due to its open siting, height and form the proposed apparatus would be seen as encroaching into the open green, where it would detract from the openness of this part of the Green Belt. The sense of enclosure resulting from the proposed development would be exacerbated by the siting of the apparatus mid-way between two existing street lamps and in close proximity to other street furniture.
8. I therefore conclude on this main issue that the proposal would detract from the openness of this part of the Green Belt. It would therefore conflict with the fundamental aim of Green Belt policy and significant weight needs to be given to this harm.

Conservation area and locality

9. The BHCA is centred around the former Biggin Hill military airfield and incorporates examples of airfield architecture associated with the RAF presence. Developed between 1914 and 1945 much of the importance of the BHCA is in its military history.
10. The Appeal site is located in a small area of the BHCA which is located on the west side of Main Road. This area comprises former RAF staff housing and a small green where the proposed apparatus would be sited. The staff houses

are uniformly designed and follow the neo vernacular styles typical of the Arts and Crafts and Garden City Movements. Most of the dwellings, including those which overlook the small green are locally listed. The small green makes a valuable contribution to the spacious setting of the staff dwellings and the character and appearance of the BHCA as a whole.

11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance.
12. Consistent with this, policy BE11 of the UDP seeks to preserve and enhance the character or appearance of conservation areas. New development should respect the scale, form and materials of existing buildings and spaces and respect features that contribute to the character, appearance and historic value of the area. In relation to design, together policy BE1 of the UDP and paragraph 58 of the NPPF state that development should not detract from the existing street scene and should respond to local character and history.
13. In relation to telecommunications apparatus policy BE22 of the UDP and section 7 of the NPPF seek to ensure that new telecommunications apparatus does not adversely affect the character and appearance of the area or the visual and residential amenity of local residents. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
14. It is acknowledged that the proposed pole would be slim-line and has been designed to have the appearance of a telegraph pole. It could be painted grey or brown and would only be slightly taller than the nearby street lights. However, the proposed apparatus would be sited in a prominent and open position within a small green which makes a material contribution to the character and appearance of the BHCA.
15. Together the proposed pole and cabinet would visually dominate this part of the green in views from Main Road, Hanbury Drive, the adjacent pedestrian crossing point in Main Road and the parking area to the front of the nearby shops. The apparatus would be visually stark and would both intrude into the open green and add to the clutter of street furniture in the immediate locality. As a consequence it would have a materially harmful impact on the character, appearance and quality of the green, the setting of the adjacent locally listed dwellings and views into and within the BHCA.
16. Whilst it is acknowledged that some of the buildings and the fencing around the airport on the opposite side of Main Road are either in poor condition or visually unattractive, this does not mitigate the harm that would be caused by the proposed apparatus. As pointed out by the Appellants there are proposals for this part of the airfield to be redeveloped, which would likely lead to its enhancement. Were such development to take place the proposed apparatus could detract from its setting.
17. Section 12 of the NPPF states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification, whilst opportunities for new development in conservation areas

should be sought. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

18. I conclude on this main issue that the proposal would fail to preserve or enhance the character or appearance of the BHCA. It would result in a moderate level of harm to the significance of the BHCA and this harm needs to be weighed against the public benefits that would result from the proposal.

Public benefits and other considerations

19. The NPPF advises that the purpose of the planning system is the achievement of sustainable development, which has three dimensions; economic, social and environmental. These dimensions are mutually dependent and there is a presumption in favour of sustainable development. In delivering sustainable development the Government is committed to securing economic growth for which advanced, high quality communications infrastructure is essential. High speed broadband technology and other communications networks also play a vital role in enhancing the provision of local community facilities and services.
20. The London Plan 2016 similarly supports high quality communications infrastructure. With this in mind it states that the delivery of an ICT network to ensure suitable and adequate network coverage across London, including well designed and located street- based apparatus should be facilitated. Support for long term infrastructure is set out in the London Infrastructure Delivery Plan 2050 and the Mayor of London's report, Raising London's High Speed Connectivity to World Class Levels. The importance of mobile communications is also set out in the 2015 market report by OFCOM - *The communications market*.
21. The Appellants have submitted evidence which demonstrates that the proposed apparatus would significantly improve mobile phone 3g network coverage and would facilitate upgrades for 4g network coverage in the area. Not only would this benefit local residents and the current commercial uses on the airfield, it would help meet the needs of the planned future commercial and other developments on the airfield. As a result the proposed scheme would result in demonstrable economic and social benefits, which are given significant weight.
22. The Appellant has confirmed that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). A modest amount of weight is given to this.
23. I have taken into account the sensitive rural and residential nature of the locality, the undulating topography and the abundance of trees in the area. This undoubtedly has an impact on the ability to find a suitable site and is a matter to which I give a considerable amount of weight.
24. In accordance with the NPPF and policy BE22 of the UDP the Appellant has submitted evidence that they have explored the possibility of erecting antennas on existing buildings in the locality and overall has considered 10 alternative sites which they have discounted for various reasons. Also, the

Appeal proposal is for shared mast by two operators. I give a reasonable amount of weight to these factors.

25. However insufficient information has been provided about the search area and no details are given regarding the potential to use or replace of existing street furniture or existing telecommunications equipment. Similarly, few details are provided regarding the potential for siting of the proposed equipment within the highway and associated verges outside the BHCA. For example the Appellants have referred to the approval for two masts to be erected within highway land approximately 0.5km to the north of the Appeal site. Without such information I am not satisfied that a less harmful and acceptable alternative site could not be found.
26. The Appellant has referred to the expanse of the Green Belt within the Borough and has stated that the Council is considering revising the Green Belt boundary in the locality. It is not stated whether this would include the Appeal site. Irrespective of this, the proposal needs to be assessed having regard to the prevailing planning policies, including policy G1 of the UDP and section 9 of the NPPF. Accordingly, no weight is given to this factor.
27. Due to their combined proximity, open siting, height and form the proposed apparatus would be prominent and unattractive in views from the nearby dwellings to the north. However, due to the distance between those dwellings and the proposed apparatus, it would not be visually overbearing. Accordingly the living conditions of the residents concerned would be respected as required by policy BE1 of the UDP. A modest amount of weight is given to this factor.
28. The Appellant has referred to numerous planning and appeal decisions in the immediate locality and elsewhere. Whilst they refer to various policies and other material considerations when dealing with telecommunications proposals, they also highlight the need to assess each scheme on its individual merits and in light of the prevailing planning policies. The Appeal scheme has been determined on this basis.
29. Finally, the Appellants have raised concerns regarding the approach of the Council towards proposals for telecommunications equipment. Whilst these concerns are noted they are not material to the consideration of the planning and other merits of the proposal.
30. I conclude on this main issue that the other considerations put forward in favour of the proposal both individually and collectively fail to clearly outweigh the general presumption against inappropriate development in the Green Belt; the substantial weight to be attached to the harm caused by the inappropriateness of the development; the harm to the openness of the Green Belt; the harm to the significance of the BHCA, the harm to the character and appearance of the BHCA and the conflict with policies G1, BE1, BE11, BE22 of the UDP and the NPPF. Therefore the public benefits and very special circumstances necessary to justify the proposal do not exist.

Conclusion

31. The conclusions on all of the main issues amount to compelling reasons for dismissing this Appeal which could not be satisfactorily addressed through the imposition of conditions.

Elizabeth Lawrence

INSPECTOR