
Appeal Decision

Site visit made on 21 November 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 7th December 2016

Appeal Ref: APP/R0335/W/16/3154194

Fernhill Park, Windsor Road, Winkfield, Windsor SL4 2DD

- 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 Vodafone Limited against the decision of Bracknell Forest Borough Council.
 - The application Ref 15/01155/FUL, dated 19 November 2015, was refused by notice dated 15 January 2016.
 - The development proposed is upgrade to existing telecoms site within Fernhill Park.
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Decision

1. The appeal is allowed and planning permission is granted for upgrade to existing telecoms site within Fernhill Park at Fernhill Park, Windsor Road, Winkfield, Windsor SL4 2DD in accordance with the terms of the application, Ref 15/01155/FUL, dated 19 November 2015, subject to the conditions set out in the Schedule to this decision.

Main Issues

2. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework), any relevant development plan policies; and
 - If the development would be inappropriate, the effects on the openness of the Green Belt;
 - The effects on the character and appearance of the area; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The proposal is for the installation of a base station and lattice tower mast with a total height, including antennae of about 26m. It would be set in a clearing within an existing belt of mature trees. The development would replace an existing telecommunications installation close to Forest Farm, also within Fernhill Park, which includes a monopole type mast of about 17m high including the antennae.
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4. Paragraph 89 of the Framework establishes that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The term “building” includes telecommunications equipment and the proposal does not therefore comprise an unqualified exception to inappropriate development in the Green Belt.
5. Policy CS9 of the Core Strategy Development Plan Document (2008) (CS) sets out the Council’s general intent to protect the Green Belt from inappropriate development. Saved Policy GB1 of the Bracknell Forest Borough Local Plan (2002) (LP) states that approval for any new building in the Green Belt will not be given unless meeting certain criteria. Although the criteria listed broadly reflect some of those in paragraph 89 of the Framework, saved Policy GB1 refers to replacement “dwellings” rather than “buildings” and is not therefore, wholly consistent with the Framework.
6. Although the proposed mast would be about 9m higher than existing, the base station equipment within the compound, would be significantly smaller. In this regard, the appellant’s submitted evidence provides a useful quantified comparison between the existing and proposed developments. I note the Council’s view that it is the mast that would result in harm to the visual amenities of the Green Belt. However, this is not a matter of relevance in first determining whether the proposal would be inappropriate for the purposes of the 4th bullet point paragraph 89. In any case in order to assess whether the “replacement building” would be materially larger than the one it replaces, it seems logical to me to compare the size of the installation as a whole and not simply one element of it.
7. Given the available evidence, I consider that the proposal would constitute a replacement building that would not be materially larger than the one it would replace. Accordingly, it would not be inappropriate development in the Green Belt.

Character and appearance of the area

8. The proposed base station and much of the mast would be screened by the existing trees. The potential for any views of the mast, other than from along the B383, is severely limited by the surrounding areas of mature woodland and any such views would therefore be localised. Nevertheless, I accept that the development would be closer to the highway than the existing structures and thus potentially more noticeable. However, the section of the B383 that passes the site is a busy road which is subject to the national speed limit and drivers would be likely to be looking at the road ahead rather than above the tree canopy.
9. Furthermore, the trees along the roadsides are visually dominant and I am not convinced that, the proposed lattice structure would be obtrusive even though part of it would be visible above the tree canopy, it. Moreover, although the area can reasonably be described as rural, the surroundings are nonetheless peppered with urban elements such as road signage and bollards. In this overall context, the visible section of the lattice tower and the antennae would not be incongruous.

10. For the above reasons, the proposal would not adversely affect the character and appearance of the area. Thus, it would accord with the overall design objectives of CS Policy CS7 and the requirement to protect land outside settlements set out in CS Policy CS9. Further, the proposal would be in general sympathy with the character and appearance of the local environment as required by saved LP Policy EN20. Although saved Policy GB1 has been referred to in the second reason for refusal, I am not persuaded of its relevance to my considerations on this main issue, particularly given that I have already found that the proposal would not be inappropriate development in the Green Belt.

Conditions

11. I have imposed a condition specifying the approved drawings as this provides certainty. In order to protect the Green Belt, a condition is necessary relating to the decommissioning and removal of the existing telecommunications apparatus. However, to provide greater certainty over the timing of these works, I have amended the Council's suggested wording.

Conclusion

12. I have found that the proposal would not be inappropriate development in the Green Belt and that there would be no demonstrable harm to the area's character and appearance. Consequently, I do not need to consider the existence or otherwise of the very special circumstances necessary to justify inappropriate development in the Green Belt. Taking all of the above into account, the proposal would not conflict with the Framework and the development plan as a whole.
13. For the above reasons and having had regard to all other matters raised, the appeal succeeds.

Hayden Baugh-Jones

Inspector

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Maps Drawing No. 100 Issue C; Proposed Site Plan Drawing No. 200 Issue C; Proposed Site Elevation Drawing No. 300 Issue C.
- 3) Within 3 months of the development hereby permitted being brought into use, the existing development approved under planning application 00/01168/RTD42 shall be removed and the land restored in accordance with a scheme that shall have first been submitted to and approved in writing by the local planning authority.