
Appeal Decision

Site visit made on 17 January 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 22nd February 2017

Appeal Ref: APP/W3005/W/16/3160245

Allen Farm Stables, Allens Farm, Alma Road, Selston, Nottinghamshire NG16 6BJ

- 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 Cornerstone Telecommunications Infrastructure Limited and Telefonica UK Limited against the decision of Ashfield District Council.
 - The application Ref V/2016/0310, dated 9 May 2016, was refused by notice dated 6 July 2016.
 - The development proposed is a new mobile phone base station consisting of a 16m high lattice tower supporting 6no antennas and 2no dishes, together with 3no equipment cabinets and 1no meter cabinet, all fixed to a concrete base and enclosed within a 1.2m high timber post and rail fence.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application to the Council was for an 18m high lattice tower, but since the Council's decision the appellants has requested an amendment to a 16m high lattice tower. There are no other changes to the proposal. The Council has no objection to my consideration of the appeal on the basis of the lower height, I do not consider the change to be substantial, and a lower height would be likely to have less impact than the original proposal. As a result I consider that my determination of the appeal on the basis of the lower height would be unlikely to prejudice any interested parties and I am therefore dealing with the appeal on that basis and have amended the description of the proposal accordingly.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - (ii) The effect of the development on the openness of the Green Belt;
 - (iii) The effect of the development on the character of the area; and
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- (iv) 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

- 4. The appeal site is on existing farm land in an elevated position located in the open countryside at the rear of a stable building at the end of Alma Road. It is situated immediately adjacent to a field boundary marked by a hedgerow and semi-mature trees that is consistent with the boundary treatment of the adjoining parcels of land and possesses a distinctively rural appearance. The closest residential properties are on Alma Road to the south, St Michaels View to the south-west and Nottingham Road to the east.
- 5. The proposal comprises a new mobile phone base station consisting of a 16m high lattice tower and associated supporting structures. The design of the tower would be a lattice galvanised steel structure, with the steel equipment cabinets being finished in grey and the steel meter cabinet finished in green.

Inappropriate development

- 6. Policy EV1 of the Ashfield Local Plan Review 2002 (LP) relates to the control over development inside the Green Belt. It states that inappropriate development will not be allowed in the Green Belt unless justified in very special circumstances. The National Planning Policy Framework (the Framework) advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances.
- 7. Paragraphs 89 and 90 of the Framework states that the construction of new buildings and certain other forms of development inside the Green Belt is inappropriate development unless they fall within a list of stated exceptions. The proposed mobile phone tower and associated structures does not fall within the list of exceptions of appropriate development in the Green Belt, contained within paragraphs 89 and 90 of the Framework and Policy EV1 of the LP. I find that the wording of Policy EV1 of the LP is consistent with the Framework with regard to dealing inappropriate development.
- 8. Therefore, the siting of the proposed development in this location would amount to inappropriate development within the Green Belt. I attach substantial weight to the harm arising due to the inappropriate nature of the development in this location.

Openness of the Green Belt

- 9. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 79 that openness and their permanence are essential characteristics of Green Belts. Openness is generally defined by an absence of built form.
- 10. The proposal would result in an increase in the built form of the development which would compromise the sense of openness at the site. The proposal being a prominent feature would add to the perception that the open landscape to the north of Alma Road is being eroded, adding to visual clutter and urbanisation of a relatively open expanse of farm land.

11. Consequently, I conclude that the development would result in harm to the openness of the Green Belt and as such would conflict with the aims of the Framework and with Policy EV1 of the LP which seek to preserve the openness of the Green Belt. I give substantial weight to that harm.

Character of the area

12. The area is predominantly rural in character. Although the nearby hedgerow and trees would offer some screening, this is unlikely to be completely effective especially during the winter months. I saw from my site visit and from the photomontages provided by the appellants, that the proposed tower would be seen from a number of public vantage points and from the properties along Alma Road, especially for those at the upper end of Alma Road, St Michaels View to the south-west, Inkerman Road to the west and Nottingham Road to the east.
13. The elevated position, height and the lattice design would make the tower appear quite bulky and intrusive against the skyline. As such, I consider the proposal, by virtue of its siting, design and height, would make it appear as an intrusive feature that would adversely harm the rural character of the area.
14. Consequently, I conclude that the proposed development would have a harmful effect on the rural character of the area and as such would conflict with Policy ST1 (b) of the LP. This policy, amongst other things, seeks to ensure that development will not adversely affect the character and quality of the environment in the area.

Other considerations

15. The appellants statement indicates that the proposed tower is to replace an existing monopole mast at Lilley Close, Selston to the north west of the proposed site and is required to enable enhanced mobile phone coverage within Selston and other nearby settlements. The installation would provide the appellants with 2G, 3G and 4G coverage to the surrounding area from a single base station site.
16. The appellants supporting information including mobile coverage plots show there is a demonstrable need for improved telecoms coverage within the vicinity of the appeal site. The Council has accepted the appellants technical justification for the need to improve network coverage in the area. The appellants outline that the proposal would constitute a sustainable form of development. Sustainable development is identified as having social, economic and environmental roles in the Framework.
17. The appellants outline that the proposal would provide social and economic benefits through the provision of improved telecommunications infrastructure for local communities and the economy. The appellants states that the environmental benefits would arise by helping to reduce the need to travel by enabling modern working practices such as greater home working and in turn helping ensure the prudent use of natural resources. I accept that this accords with the Framework's guidance on communications infrastructure and would contribute toward sustainable development and as such are matters to which I attach significant weight in making my decision.
18. The appellants state that no suitable alternative sites are available. In searching for an alternative site the appellants have adopted the sequential

approach looking first for existing telecommunications sites to assess their suitability for sharing, before moving on to rooftops and existing structures and finally, ground based structures. The appellants have set out the alternative sites that were considered and the reasons why they were not pursued. Several technically suitable locations have been discounted, either because, in the appellants opinion, they would have a greater harmful impact than the appeal site or because they are unavailable. A number of sites have also been discounted on technical grounds as they would fail to deliver the required coverage.

19. The existing mast at Lilley Close is amongst those discounted. The appellants state that an upgraded pole with the required antennas, dishes and equipment cabinets located immediately adjacent to a housing estate would have more harmful impact than the appeal scheme and I accept that this would be sensitive location for an upgraded pole.
20. However, the Council have outlined that Selston Football Club approached the appellants and offered use of the site, where they intend to apply for planning permission to install floodlights. The appellants assessment discounts this site outlining that there was no way of knowing if or when this project would be progressed. In addition, the appellants state that due to the open and exposed nature of this site, a 15m pole with antennas on a headframe or lattice mast would be needed that would result in significant visual impact and would also be unlikely to enhance coverage in Bagthorpe.
21. Nevertheless, this site would be situated in the built up area of Selston outside the Green Belt and would be located closer to the existing mast at Lilley Close than the appeal scheme. Based on the evidence before me I am not convinced that the opportunity for siting the mast at the Football Club has been entirely addressed. Given the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open, such a site outside the Green Belt should be fully explored before consideration can be given to a site such as the appeal scheme within the Green Belt.
22. The Council has drawn my attention to an appeal decision¹ where the Inspector found that no details were submitted to allow a reasoned comparison of an alternative site with the proposed mast in that case. However, I do not consider this is relevant to the case before me.
23. I have been referred by the appellants to a number of previous appeal decisions² where the Inspector concluded that such development would result in a small reduction in the openness of the Green Belt. However, both appeal decisions relate to a monopole tower and have different development and locational characteristics to the appeal scheme. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to those of the present appeal proposal. I therefore accord them limited weight as precedents in this case.
24. The appellants have referred to the Green Belt review undertaken in 2015, in which the land surrounding the appeal site was given a low score. However, this does not detract from the fact that the land is Green Belt and the proposal

¹ APP/M0655/A/13/2191197

² APP/P2935/A/09/2108056 and APP/N4205/A/11/2169164

would be inappropriate development within the Green Belt that would have a harmful impact on openness and character of the area and is therefore contrary to local and national policy.

Very Special Circumstances

25. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also concluded that the proposal would harm the openness of the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt. I consider the proposal would be harmful to the character of the area to which I attach significant weight.
26. On the other hand, I have concluded that the proposal would be of benefit to the local communities and economy in terms of the service to be provided and the locational advantage of the site that would help reduce the need to travel by enabling modern working practices such as home working to which I attach significant weight. The appellants alternative site assessment shows that the proposal would be likely to result in greater benefits and less harm than some alternatives to which I attach moderate weight. However, I cannot rule out the possibility that an alternative site might yet be found outside the Green Belt in this case.
27. Having considered all of the matters raised in support of the development, I conclude that collectively, they do not outweigh the totality of the harm I have identified in relation to the Green Belt. Accordingly, very special circumstances do not exist and the development would be contrary to Policy EV1 of the LP and the Framework.

Other matters

28. I have noted the objections raised by local residents to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

29. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR