
Appeal Decision

Site visit made on 28 February 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/U3935/W/16/3159933 Land at Tadpole Lane, Swindon SN25 2PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by UK Broadband Ltd against the decision of Swindon Borough Council.
 - The application Ref S/TC/16/1070, dated 7 June 2016, was refused by notice dated 20 July 2016.
 - The development proposed is the installation of an 8 metre high lattice tower supporting 3 no antennae and a 0.3m transmission dish, the installation of an equipment cabinet and electrical meter cabinet, a post and rail timber fence and development works ancillary thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the installation of an 8 metre high lattice tower supporting 3 no antennae and a 0.3m transmission dish, the installation of an equipment cabinet and electrical meter cabinet, a post and rail fence and development works ancillary thereto at land at Tadpole Lane, Swindon SN25 2PD in accordance with the terms of the application Ref S/TC/16/1070, dated 7 June 2016 and the submitted plans reference 100 Issue A, 101 Issue C and 102 Issue C.

Procedural Matters

2. Revised plans were supplied with the appeal. These change the galvanised finish of the proposed tower and equipment cabinets shown on the plans submitted at application stage to a 'fir green' colour (reference RAL6009) and change the appearance of the anti-climb mesh. Otherwise, there are no changes to the proposal as considered by the Council at the application stage. The above changes are minor. They would not materially alter the nature of the application and would not cause prejudice to any interested parties. Therefore, I intend to consider the appeal on the basis of the revised plans.
 3. Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) limits the matters to which prior approval must be sought to the siting and appearance of the proposed installation. I have determined the appeal on that basis.
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Main Issue

4. The main issue in this appeal is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

5. The appeal site forms part of a strip of low trees, bushes and scrubland located between Tadpole Lane (the lane) and an expansive area of land identified as public open space in the adopted Swindon Borough Local Plan 2026 (LP). The open space occupies the hillside above an extensive modern housing estate. The open space is formally laid out adjacent to the housing and incorporates children's play area as well as pathways and lighting. However, the upper slopes adjacent to the appeal site have a more informal appearance. Together with adjoining undeveloped land and agricultural land on the opposite side of the lane, this gives the appeal site and its surroundings an open, semi-rural character and appearance.
6. Paragraph 42 of the National Planning Policy Framework (the Framework) advises that advanced, high quality communications infrastructure is essential for sustainable economic growth and that high speed broadband technology plays a vital role in enhancing the provision of local community facilities and services. The proposed installation forms part of the appellant's wider programme of providing 4G network coverage to this part of Swindon. The 4G service is comprised of a network of base stations, which have to be located close to the customer. The appellant is working with the Council to provide a borough-wide 4G network and make superfast broadband services available to the general public. The Council agrees that the proposed installation would provide economic and social benefits.
7. Paragraph 45 of the Framework advises that there should be evidence to justify proposals for telecommunications development, including an exploration of the possibility of utilising buildings, masts or other structures. The appellant's evidence suggests that there is a range of coverage of around 500 metres available from a single installation. Also, in order to be effective, the equipment must be installed towards the centre of the area it is planned to serve; this limits the area of search for alternative sites. The appellant's evidence also shows that there are no existing masts in the area that would be covered by the proposed installation; consequently there are no opportunities for mast sharing. There are also no opportunities to use buildings, given the predominantly residential nature of the area for which coverage is sought. A number of other sites in the locality, largely in roadside locations close to housing, were discounted on grounds of their visual impact and limitations on the coverage that could be achieved. The Council have previously refused prior approval for a 15-metre high monopole at Eastbury Way¹. The available evidence therefore shows that the appellant considered other options and sites in a sequential way prior to submitting the appeal scheme.
8. Paragraph 43 of the Framework advises that where new sites for equipment are required, it should be sympathetically designed and camouflaged where appropriate. Given its position on the upper slope of the hillside, the proposed tower would be seen as an elevated feature in views from the nearby streets and houses, the public open space and the lane. However, its location has also

¹ Council reference S/TC/16/0019.

meant that the tower would be much lower compared with the 15-metre height typical of many similar installations, whilst still being tall enough to meet the need for the antennae to be above the height of the nearby trees in order to achieve the required coverage.

9. The proposed tower would be located well away from the nearest streets and housing and from the formal paths and the children's play area on the lower part of the open space. Consequently, the tower would mostly be observed from those areas at a significant distance and it would largely be seen as a background feature. From most viewpoints, the majority of the tower would be viewed in conjunction with or partly behind the adjacent vegetation, against a background of the stand of more substantial mature trees located further up the slope towards the crest of the hill. For the most part, this would leave only the upper section of the tower visible against the skyline. In views where more of the tower would be seen against the skyline, it would generally be partly or wholly framed by the substantial background trees. Therefore, the nearby trees would provide a strong context of vertical features in the vicinity of the tower. The street lighting columns on the lower slopes of the open space would also provide a foreground of several vertical features, albeit it lower and slimmer, in the views of the tower from the lower part of the open space and from the adjacent streets and housing.
10. Due to its lattice design, the tower would have greater overall diameter compared with the potentially much slimmer alternative of a monopole. Nevertheless, its design would also allow views between elements of the structure to the background beyond. Consequently, the tower and its associated small-scale antennae and dish would be seen as a relatively lightweight structure, especially in comparison with a monopole of similar height, and it would not be viewed as unduly bulky. The associated cabinets and fencing would be small-scale and would largely only be viewed close-up, either through or in conjunction with the nearby low trees and bushes. The fir green colour of the tower and its associated cabinets would also assist in assimilating the proposed installation into its naturalistic surroundings.
11. The appellant has suggested that a monopole would also require a vehicle access track up to it, in order for a cherry picker vehicle to access the antennae for maintenance. I am given to understand that this is because unlike a lattice tower, a monopole cannot be climbed by an engineer for maintenance purposes. A track would be likely to have an engineered appearance, which would therefore cause significant visual harm to its semi-rural surroundings. This lends further support to the design of the tower. Whilst an alternative 'tree-like' mast design has been suggested as being more visually acceptable by an interested party, I have to deal with the appeal scheme on its individual merits.
12. Due to all of the above factors, I find that the proposed installation would not be viewed as an incongruous or physically imposing feature from the nearby streets and housing and it would not adversely affect the setting of the public open space or unacceptably erode the enjoyment of its users. Accordingly, the proposed installation would not cause unacceptable harm to the semi-rural character and appearance of the surrounding area.
13. Consequently, the proposed installation would be consistent with LP Policy IN3, as it has been sited and designed in such a way that the appearance of the

area has been considered, it would not unduly detract from the appearance of the surrounding area or form an adversely intrusive addition, the colour and profile is sympathetic to its surroundings and the size has been kept to a minimum in order to reduce its impact on the environment. Also, it has been demonstrated that alternative sites and potential mast sharing opportunities which fulfil the functional requirements of the development were assessed, including the use of existing buildings and structures.

14. The siting and appearance of the proposed installation would also accord with LP Policy DE1, as it would achieve a high standard of design, when assessed against the design principles of context and character, in respect of existing built character, acknowledged features of importance and existing site conditions; the design principles of layout, form and function, having regard to its siting, scale, materials and detailing, and; the design principles of amenity, in respect of outlook and space. Consequently, the proposed installation would also be consistent with the Framework, including section 5 concerning the support for high quality communications infrastructure, as well as section 7 concerning the requirement for good design.

Other matters

15. Interested parties have also expressed concern about the access to the appeal site for construction purposes. However, I am only able to consider the siting and appearance of the proposed installation in this appeal.

Conclusion

16. The siting and appearance of the proposed installation would accord with the Development Plan and the Framework.
17. For the reasons given above I conclude that the appeal should be allowed. No conditions are necessary as standard conditions are imposed by the GPDO.

Stephen Hawkins

INSPECTOR