



Appeal Decision

Site visit made on 4 December 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 14th December 2017

Appeal Ref: APP/F1610/W/17/3181039

Land parcel known as The Grandage, Quenington, Gloucestershire

- 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 Ltd against the decision of Cotswold District Council.
 - The application Ref 16/04581/FUL, dated 2 November 2016, was refused by notice dated 9 June 2017.
 - The development proposed is described as a proposal to install a telecommunication base station comprising a 22.5m high Swann 1S Lattice Tower with 6 No. proposed antennas fixed to a headframe, 2No. 0.3m dishes fixed to tower headframe on a 6.5m x 6.5m concrete base. 1 No. RBS6102 Cabinet and 1 No. JSC Cabinet to be located on the concrete base which would be within a 1.8m high welded mesh fenced compound with a 1.0m wide access gate.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The original application was amended both in terms of position of the equipment and to incorporate a taller slimmer mast. Representations were received as to whether these changes were so fundamental that it brought into question my ability to consider and determine the appeal. Given that the application was subject to additional publicity and consultation following the revised particulars, I do not consider that anyone has been prejudiced by the Council's handling of the application and does not affect my consideration of the substantive matters arising from the appeal.
3. Accordingly, I have considered the appeal on the basis of the installation of a telecommunication base station comprising the following elements:
 - 24m high lattice tower
 - Headframe
 - 3No. antennas
 - 2No. 300mm dish
 - 2No. cabinets (1No. 1300x700x1450mm; 1No. 600x600x1420mm)
 - 5.5x5.5m concrete base

- 1.2m high post and rail timber fence with 2 strand barbed wire and netting
 - Ancillary works associated with the above.
4. I conducted an unaccompanied site visit on 4 December 2017 but, due to failing light, I had to curtail the visit and returned on 5 December 2017 to complete it.

Main Issues

5. The main issues in this appeal are:

- the effect of the proposal on the character and appearance of the open countryside and Cotswolds Area of Outstanding Natural Beauty
- the effect on the character and appearance of the Hatherop Castle Grade II Registered Historic Park and Garden.

Reasons

Character and appearance

6. The appeal site is located within the AONB, on the edge of the settlement of Quenington. The site is accessed from Fowlers Lane as it rises from the village. The road has a distinctly rural character, particularly east of the village where the lane narrows with a bank and hedge to either side. The natural beauty of the AONB is derived from the steep sided valley, with pockets of woodland and the hedge banks and mature hedging providing a sense of enclosure and seclusion. The appeal site occupies an elevated ridge with land sloping steeply in an easterly direction towards the River Coln and between two woodland groups with a larger woodland located to the north. A public right of way to the east and at a lower level runs north-south whilst two further public footpaths are located to the south and south-east with yet a fourth located to the north-east.
7. The Council explains that the area lies within the Dip-Slope Lowland Valley landscape type 12B as identified in the Cotswolds Conservation Board's Landscape Character Assessment (LCA), which is further defined as falling within the Landscape Character Area Lower Coln Valley. The LCA describes Dip-Slope Lowland Valleys as "deeply rural and are therefore sensitive to developments that might compromise this characteristic" and "in the more developed sections of the valleys, and where a strong woodland framework exists, the landscape is less sensitive due to tree cover offering opportunities to successfully integrate small scale developments into their surroundings. However, development should avoid the sensitive and more visually prominent upper valley slopes and areas of floodplain bordering the river channel".
8. The appeal site's location typifies this character and from what I observed, the proposal would result in an abrupt combination of semi-industrial structures set within a prominent hill-top location that would be particularly jarring when viewed from the nearby public rights of way. From further afield, although the Council very reasonably believed that views of the mast would become less distinct and often glimpsed, those views of the mast that would be available despite the longer distances involved would represent an incongruous addition

that would be out of keeping with the tranquil pastoral qualities of this part of the AONB.

9. For the reasons given above the development would result in harm to the character and appearance of the area and it would fail to conserve and enhance the natural beauty of the AONB. Given that the mast would be sited on an elevated plateau, it would extend above the height of the trees. There would be little opportunity to mitigate this harm. The Framework is clear that AONBs have the highest status of protection in relation to landscape and scenic beauty. Given the great weight that should be given to conserving these attributes this harm is a matter that weighs very significantly against the development.
10. The development would not accord with Cotswold District Local Plan Policy 11 and 42 and guidance set out in paragraphs 17, 43, 109 and 115 of the Framework. Collectively these policies give great weight to the conservation and enhancement of AONBs, seek to ensure development respects local distinctiveness, the character of the site and its surroundings, and that it conserves or enhances the character of the landscape.

Setting of Registered Historic Park and Garden

11. As a Registered Park and Garden, Hatherop Castle does not benefit from any statutory protection, but as a designated heritage asset, it does fall to be considered under Section 12 of the Framework. This indicates, amongst other things, that local planning authorities should recognise that heritage assets are an irreplaceable resource and should conserve them in a manner appropriate to their significance. The Framework defines "significance" as the value of a heritage asset to this and future generations because of its heritage interest. It explains that this interest may be archaeological, architectural, artistic or historic, and that significance derives not only from a heritage asset's physical presence, but also from its setting. Paragraph 132 of the Framework states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation.
12. The most relevant development plan policy is Policy 11: The Historic Landscape. The objectives of this policy is broadly compatible with the Framework in seeking to avoid unacceptable harm to the character and appearance of historic landscape features, including Parks and Gardens of Special Historic Interest.
13. There is little dispute that there would be direct impact upon the Registered Park by virtue of its location within the boundaries of the heritage asset. No methodological assessment of the likely impact of the Registered Park to gauge the effect on the significance of this asset has been undertaken by either party. The parties have relied upon a subjective assessment, which is not supported by any testable evidence. I rely therefore on my detailed site visit undertaken on two separate days.
14. The Registered Park and Garden is associated with Hatherop Castle which stands at the northern side of the park. The park was established in the C16 and C17 and landscaped jointly with Williamstrip Park (to the north) in 1778 by Capability' Brown's contemporary Richard Woods for John Webb. Within the Register of Parks and Gardens the entry for Hatherop Castle states:

“The park is used as permanent pasture and has thin belts of trees on its south boundary and along the public road which runs from north-west to south-east through the eastern half of the park. Clumps of trees are scattered throughout the park.”

15. I agree with the Council that the proposed structures would be within an area of the Registered Park that displays the above parkland qualities. The development would be located adjacent to an existing tree group but nevertheless would be readily seen from the exposed landscape to the east and from the public footpath that runs north-south through the park. From what I saw, the parkland is well preserved and reasonably complete. I agree with the Council that the height of the mast would be overly-dominant and at odds with the naturalistic character of the parkland. This would harm the significance of the Registered Park and Garden.
16. For these reasons, I conclude that the proposal would harm the character and appearance of the grade II listed historic park and garden, which would be contrary to Policy 11 of the Local Plan and paragraph 132 of the Framework. Although I agree with the parties that the harm I have identified to the heritage asset would be less than substantial, it gives rise to a statutory presumption against permission and I must give it considerable importance and weight. I must now weigh this harm against the public benefits of the proposal as required by paragraphs 132 and 134 of the Framework.
17. There are clear social and economic benefits associated with improved coverage and capacity in this rural area. The appellant points to current Government guidance that confirms that high quality electronic communications infrastructure is an essential component of sustainable economic growth within England and its wider UK context. The appellant has demonstrated that this site is the last resort following consideration of alternatives. Without this development, it argues that 4G coverage will not be possible within this community thereby denying those living, working and travelling within the Coln St Aldwyns and Quenington areas of essential modern infrastructural facilities.
18. However, I conclude that the public benefits in this case although important are not sufficiently compelling to justify the harm to the heritage assets referred to above as required by paragraphs 132 and 134 of the Framework.

Conclusions

19. The harms that I have identified to the heritage asset and to the landscape and scenic beauty of the AONB would not fulfil the environmental dimension of the Framework. These impacts are significant and demonstrable in total and they therefore outweigh the limited but nevertheless important benefits in this case. This leads me to conclude that the proposal is not sustainable development and it would be contrary to the Framework as a whole. I have taken into account all other matters raised but none is sufficient to alter the outcome of my findings. The appeal should be dismissed.

Gareth W Thomas

INSPECTOR