
Appeal Decision

Site visit made on 24 January 2018

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2018

Appeal Ref: APP/D0840/W/17/3181235

Lusty Glaze Car Park, Lusty Glaze Road, Newquay, Cornwall TR7 3AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under the Town and Country Planning General Permitted Development Order 2015 Schedule 2, Part 16 Class A.
 - The appeal is made by Telefonica UK Limited against the decision of Cornwall Council.
 - The application Ref PA17/01851, dated 16 February 2017, was refused by notice dated 21 April 2017.
 - The development proposed is the installation of a 12.5m high Hutchinson T-range replica telegraph pole, a 0.3m dish and associated equipment cabinets.
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Decision

1. The appeal is allowed and approval is granted under the provisions of the Town and Country Planning General Permitted Development Order 2015 Schedule 2, Part 16 for the siting and appearance of a 12.5m high Hutchinson T-range replica telegraph pole, a 0.3m dish and associated equipment cabinets at land at Lusty Glaze Car Park, Lusty Glaze Road, Newquay, Cornwall TR7 3AD in accordance with the terms of the application Ref PA17/01851, dated 16 February 2017, and the plans submitted with it, subject to the following condition:
 - 1) Prior to first operation of the equipment hereby approved the existing overhead power line to the existing equipment and car park cabin shall be re-fixed underground in order to lessen the overall impact of the proposed development.

Main Issue

2. The main issue is the effect of the proposed telecom equipment on the character and appearance of the area.

Reasons

3. The Council has confirmed that the proposed development meets the permitted development criteria for Part 16, Class A of the GPDO but that subsection A3 (4) requires that the developer must apply to the Local Planning Authority for a determination as to whether prior approval is required for the siting and appearance of the development.
4. Lusty Glaze Road is a residential street close to the cliffs above the beach at Lusty Glaze on the north eastern side of Newquay. The car park is located opposite a number of newish detached houses all of a similar contemporary

- design. Judging by its size and location near the steps down to the beach and the Council's representations it is well used in the summer.
5. Next to the car park entrance is a wooden cabin and area of timber decking next to a pay and display machine. The proposal is to erect the 12.5m high mast and two small equipment cabinets immediately adjacent to this area. The mast would be finished in a wood effect similar to the existing telegraph pole located between the cabin and the stone wall to the road. The equipment cabinets would be small and low – no higher than the existing cabin.
 6. Trevelgue Head on the other side of Porth Beach about ½km to the north lies within an Area of Great Landscape Value (AGLV). This headland is also the site of an ancient fort and two bowl barrows, Scheduled Ancient Monuments (SAMs). There are also three bowl barrows at Barrowfield about 400m to the south west, which are also SAMs, on the open land above the cliffs through which runs the South West Coast Path.
 7. As the appellant's photomontages show it would be possible to see the proposed mast from both of these locations. But from Trevelgue Head it would be seen against the backdrop of the surrounding built form in this part of the town. From Barrowfield it would also be seen in the context of surrounding residential development and that at a higher elevation at Porth and Whipsiderry to the north, the northern most parts of Newquay. The photomontage shows the proposed mast from the most prominent location to the south west and it is clear from this location that the streetlight columns in the near distance would be much more prominent than the proposed telecoms mast. Consequently I cannot agree with the Council that it would have any significant effect on the settings of these SAMs as designated heritage assets.
 8. At close quarters, including from the houses opposite, the mast would also be read in the context of the existing street light columns. Whilst it would be of a slightly wider diameter than those columns and be slightly higher its dimensions would not be significant within its suburban residential context next to the road. It would be read in such a context next to the existing car park cabin and would be sited some distance from the cliff edge to the north. Consequently it would not be perceived as a significant structure within the open countryside and would not adversely affect the setting of the AGLV at Trevelgue Head or detract from the landscape character of Landscape Character Area (LCA) 15 (Newquay and Perranporth Coast) in the *Cornwall and Isles of Scilly Landscape Character Study*.
 9. Of more impact in the street scene is the overhead power line to the existing telegraph pole which gives a ramshackle appearance to the road at this point. Given that a power supply will be needed for the proposed equipment it seems to me reasonable that the appellant be required by the above condition to re-provide power to the site by undergrounding the necessary power cable, in view of the albeit less than substantial impact of the proposed mast on the character and appearance of the area. The appellant claims in its representations that conditions cannot be attached to permissions for such prior approvals but that is not the case.
 10. Policies 2 and 12 of the Cornwall Local Plan (CLP) together require good design that respects an area's character and protects heritage assets. For the above reasons the proposal would have minimal impact on the character and appearance of the area and would therefore comply with these Policies. The

proposed development would respect the suburban context of the site and would not adversely affect Cornwall's landscape resource and so would comply with CLP Policy 23.

11. I am confident from the appellant's representations that it has sufficiently explored the possibility of erecting the new mast on an existing building or mast site as required by paragraph 45 of the National Planning Policy Framework and that there is a valid need to erect a new base station on this site given the support for improved communications infrastructure set out in Section 5.
12. For the reasons given above I conclude that the appeal should be allowed, subject to the above condition.

Nick Fagan

INSPECTOR