



Appeal Decision

Site visit made on 23 January 2018

by **C J Ball** DArch DCons RIBA IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 February 2018

Appeal Ref: APP/D0840/W/17/3181459

Land at Higher Trenoweth Farm, Longstone, Carbis Bay, St Ives TR26 3LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Vodafone Ltd against the decision of Cornwall Council
 - The application Ref PA17/01957, dated 24 February 2017, was refused by notice dated 13 April 2017
 - The development proposed is the installation of a 20m high lattice tower with 3 antennas, 2 x 0.3 diameter dishes, associated equipment cabinets and other works.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Schedule 2 Class A Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) refers to communications development. Under Class A.3 of the GPDO prior approval is required for communications installations.
3. At my site visit I saw that work had begun on forming a base slab, including excavation, formwork, reinforcement, baseplate, fixing bolts and cable ducting. Prior approval cannot be given for development that has already commenced. Following my request for clarification, the appellant advised that this was the base slab for a different installation on the same site – a 20m high monopole. The application for prior approval of that installation, ref PA17/06054, was evidently submitted on 28 June 2017. The appellant asserts that the monopole installation has planning permission by virtue of the Council's failure to properly notify them of its decision within the 56 days required by the Order. The Council disputes this, confirming that its decision to refuse prior approval was made on 17 August, well within the 56 day consultation period.
4. Neither party refers to the monopole installation in their submissions on this case and, despite subsequent correspondence, I do not have the documentation or information necessary for me to come to a reasoned view as to whether planning permission exists. Nonetheless it can be argued that, as the plans show, the work carried out on the approx. 4m square base of the monopole would be subsumed into the approx. 5.5m square base of the lattice tower so that work has effectively commenced on the tower. On the other hand, it can be said that the lattice tower installation is a different development and that work has not been commenced on that. I consider these arguments to be finely balanced so, in the interests of fairness, I will go on to assess the siting and appearance of the lattice tower.

Main issue

5. The main issue in this case is the impact of the proposal on the character and appearance of the local landscape.

Policy background

6. The local development plan consists of the Cornwall Local Plan (CLP), which was adopted in 2016, saved policies of the Penwith Local Plan 2004 (PLP) and the St Ives Neighbourhood Development Plan (NDP), which was made in 2016. Of particular relevance to this case are CLP policy 2: *Spatial Strategy*; policy 12: *Design*; and policy 23: *Natural Environment*; PLP policy CC5 *Protection of Areas of Great Landscape Value*; and NDP policies OS1: *Landscape Areas and Open Space* and OS9: *Panoramas, Vistas and Views*. I have also taken account of the Cornwall and Isles of Scilly Landscape Character Study (LCS). Section 5 of the National Planning Policy Framework sets out relevant government policy on high quality communications infrastructure.

Reasons

7. The site lies in the lower corner of a large daffodil field, close to the A3074 St Ives Road. This road is the main road linking St Ives to the A30 so it is busy, particularly during the holiday season. A footpath/cycle way runs beside the road. The 20m high lattice tower, in its fenced compound, would be no more than about 12m from the edge of the road, beyond a low hedge.
8. The site falls within the St Ives Bay character area as defined by the LCS. This coastal strip is characterised by sweeping sandy beaches and dunes with an inland fringe of pastoral/arable land rising to the higher granite that forms a ridge behind Carbis Bay. The LCS indicates that the natural beauty of the coast is somewhat marred by development and there is a general impression of the inexorable spread of built development into the rural landscape, with a loss of rural landscape character at Carbis Bay, among other locations.
9. The site is within the fringe of agricultural land referred to in the LCS and is currently in horticultural use. The local countryside is a generally open, undulating landscape of fields, rising gently inland with extensive woodland, including the wooded edge of Carbis Bay, on the skyline. The site lies within an area designated in the CLP as an Area of Great Landscape Value (AGLV), an area which includes St Ives, Carbis Bay and Lelant. I consider this to be a valued landscape in the terms of Framework paragraph 109, to be protected and enhanced.
10. On the approach to St Ives, the lattice tower, close to the road, would be an extremely prominent feature seen against the backdrop of the fields and woodland of the AGLV and breaking the skyline in the views towards St Ives. The tower, with its extensive array of antennas, would have a particularly incongruous industrial character, unrelieved by screening landform or trees. The fully exposed 20m tower would be massively intrusive into views of the landscape, even seen in conjunction with the much lower street lighting and telegraph poles along the road. This would severely compromise the vista of St Ives from the main road link into the town, in conflict with NDP policy OS9. From the other direction, on leaving St Ives and on passing the site, the uncompromisingly utilitarian structure of the tower would dominate the attractive views of the fields and hills of the AGLV. The tower would have a significant impact on all the users of the busy main road into St Ives, including holiday visitors.

11. In my view, the lattice tower with its wide headframe would not represent the kind of sympathetic design sought by paragraph 43 of the Framework. The design has not properly considered the existing high quality context and fails to respond to its landscape setting so, in conflict with CLP policy 12, it would not maintain Cornwall's enduring distinctiveness. Furthermore, the tower would not be of an appropriate design that recognises the landscape character of the AGLV and it would cause significant harm to the character of the AGLV, contrary to CLP policy 23, NDP policy OS1 and PLP policy CC5. The impact of the development on this important rural landscape would not respect or enhance the distinct quality of place, in conflict with CLP policy 2 and paragraph 109 of the Framework.
12. Against this must be set the need for advanced, high quality communications infrastructure, essential for sustainable economic growth and for enhancing the provision of local community facilities and services. The appellants have demonstrated a need to provide new 4G services and improved 2G and 3G services in the area and the proposal would bring considerable benefits to the local community and visitors alike. I note the various sites investigated and the reasons for rejection, including the reluctance of some landowners in the area.
13. However, the area of search shown in the Supporting Technical Information which accompanied the application includes areas of wooded countryside. I accept that much of the search area lies within the AGLV but I am not convinced that the appellant has fully considered alternative sites closer to trees where a tower would be more effectively visually absorbed into the landscape, even if it has to be slightly taller to clear the trees. Set alongside a busy road, the site proposed is not a remote area as asserted by the appellant and I am not persuaded that, as claimed, the site is the least visually intrusive site available.
14. A core planning principle of the Framework is to recognise the intrinsic character and beauty of the countryside, with confirmation of the need to protect and enhance valued landscapes. In this case, I consider that the extensive harm that would be caused to the valued landscape of the AGLV cannot be justified by the benefits of the improvement in communications infrastructure.
15. The appeal decisions referred to by the appellant in support of their case both hinge upon the identification of limited harm, which clearly affects the balance of considerations, whereas here I have identified significant harm to a valued landscape. Those cases provide no guidance for this case. In addition I note that, despite rejecting a monopole installation in their submissions on this case, the appellant very shortly afterwards made the application for just such an installation. Even if it can be shown that the monopole installation has planning permission, thus providing a fall-back position in this case, I consider that a tall, slim monopole with a much narrower headframe would be substantially less visually intrusive and therefore considerably less harmful to the character of the AGLV. In such a situation, I consider that the fall-back position would be preferable.
16. Overall I find on balance that the siting and appearance of the proposed lattice tower would have a significantly harmful impact on the character and appearance of the local landscape. For the reasons given above I conclude that the appeal should be dismissed.

Colin Ball

Inspector