
Appeal Decision

Site visit made on 28 January 2018

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2018

Appeal Ref: APP/D0840/W/17/3181796
New Road Hill, Fowey, Cornwall PL23 1HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Vodafone Ltd against the decision of Cornwall Council.
 - The application Ref PA17/04599, dated 11 May 2017, was refused by notice dated 3 July 2017.
 - The development proposed is a 15m “telegraph pole” mast.
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Decision

1. The appeal is allowed and approval is granted under the provisions of under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the siting and appearance of a 15m “telegraph pole” mast at land at New Road Hill, Fowey, Cornwall PL23 1HH in accordance with the terms of the application Ref PA17/04599, dated 11 May 2017 and the plans submitted with it.

Procedural matter

2. The Council did not give formal notice that prior approval would be required , and refused the application. I shall treat the appeal as though such notification was given.

Main Issue

3. The effect of the siting and appearance of the proposed mast on the character and appearance of the surrounding area.

Reasons

4. The need for the antenna arises from the operators’ complete lack of 4G coverage in the Fowey area, and the lack of capacity for 2G and 3G services. The whole of the search area where a new antenna could be sited to serve Fowey lies within the AONB and the Heritage Coast. I have been referred to the Cornwall AONB Management Plan, Policy MD9 of which states that any necessary development in or within the setting of the AONB will be high quality sustainable development that is appropriately located, of an appropriate scale and addresses landscape capacity and sensitivity, and does not compromise the special qualities and characteristics of the AONB.
5. The site lies within the St Austell Bay and Luxulyan Valley Landscape Character Area set out in the Cornwall and Isles of Scilly Landscape Character Study. It

identifies various key characteristics, which includes recognition that the western end of the coastal plain (where the appeal site lies) is highly developed with residential, commercial, light and heavy industry, recreation and amenity. It also refers to a strongly undulating pasture farming plateau inland with small fields with trees and small woods, and linear woodland along streams. The area to south west of the appeal site accords with this character,

6. The site is also not far from the Fowey Valley Landscape Character Area. There is no visual connection with this area to the east of the appeal site, as topography cuts off views, but part of it can be seen to the south west. However, this area is focused on the river valley itself and none of the key landscape characteristics listed in the study are strongly in evidence in the environs of the appeal site.
7. The chosen appeal site is on the brow of a hill, but it is not in a particularly sensitive part of the AONB. The coast cannot be seen from the vicinity of the appeal site and housing, a primary school and a substantial college building are prominent features. The site abuts the junction of Polvillion Road at the point where it leads into New Hill Road, Windmill and Park Road, and borders the college playing field, where open countryside can only be seen in the distance, further to the south-west of the site. I therefore consider that the immediate vicinity of the site has a low landscape value and sensitivity to change.
8. Being on the brow of a hill, the mast would be an obvious feature on the skyline when approaching from the west along Polvillion Road, standing out on the skyline. However, from that direction, the skyline is already strewn with various items of street furniture, such as telegraph poles and lines, street lighting columns, road signs, a bus stop, and to a smaller degree by a litter bin and existing telecommunications cabinets. Two storey houses on rising ground lie on the north side of the road, and are tall features in the street scene. Although the proposed antenna would be significantly taller than the telegraph poles, it would be disguised to resemble one, and in my view, although it would be noticeable, it would be readily assimilated into the urban fabric of this part of the AONB.
9. Views from the east, along New Road Hill are more restricted due to topography, but again the mast would be seen in the context of street furniture and the houses on higher ground along Polvillion Road and Park Road to the north. Views along Windmill are restricted due to a curve in the road, with dwellings and trees shielding some views towards the appeal site. The mast would be more prominent when seen from the houses on Park Road and the most easterly houses on Polvillion Road, where it would be seen against a backdrop of an open playing field and the trees and fields beyond. Due to its height and being sited on the brow of a hill, its height would be noticeable, but it would not stand out as being incongruous. Even acknowledging that the site lies adjacent to a main route into Fowey, I consider that the localised and small visual impact that would be caused would not result in material harm to the character and appearance of the area.
10. Taken in the round, I consider that the site and its surroundings share few of the features which contribute to the landscape and scenic beauty of the area, and that the proposal would therefore conserve these features of the AONB. Whilst recognising the highest status of protection in relation to landscape and

scenic beauty which is afforded to AONBs, not all parts of the AONB are of equal value,

11. The mast would have localised impact on the character and appearance of the surrounding area, which would not result in material harm to character and appearance. It would not conflict with Policies 1, 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP), which respectively deal with a presumption in favour of sustainable development, spatial strategy, design and the natural environment.

Other matters

12. It is undisputed that the proposal would bring with it benefits to local mobile telephone services. The Government's policy expressed in the National Planning Policy Framework (the Framework) recognises the important role that telecommunications plays in achieving sustainable economic growth, and that the development of high speed broadband technology and other communications networks plays a vital role in enhancing the provision of local community facilities and services. The fact that Fowey has no 4G coverage is a significant shortcoming, which has both economic and social implications, limiting the ability to obtain high-speed data which is an increasingly important aspect of modern business and home life. I attach considerable importance to this role, and this adds to my reasons for allowing the appeal.
13. I have had regard to both the procedural and substantive concerns of the Fowey Town Council, but these are insufficient to alter my conclusion.

Conclusion

14. For the reasons given above, I conclude that the siting and appearance of the proposal would be satisfactory and that the appeal should be allowed. Proposals which are permitted development under Class A of Part 16 of Schedule 2 of the GPDO are subject to standard conditions, and it is not necessary to impose any additional conditions as part of this approval.

JP Roberts

INSPECTOR