
Appeal Decisions

Site visit made on 20 February 2018

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 26 March 2018

Appeal A - Ref: APP/D0840/W/17/3181279

St Just Cricket Club, Cape Cornwall Street, St Just TR19 7JZ

- 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 Mr Martin Allwork (Vodafone Ltd) against the decision of Cornwall Council.
 - The application Ref PA17/03173, dated 24 March 2017, was refused by notice dated 23 May 2017.
 - The development proposed is installation of a 15m monopole mast with 3No antennas, 2No 0.3m dishes, associated equipment cabinets and development thereto.
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Appeal B - Ref: APP/D0840/W/17/3185073

St Just Cricket Club, Cape Cornwall Street, St Just TR19 7JZ

- 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 Mr Martin Allwork (Vodafone Ltd) against the decision of Cornwall Council.
 - The application Ref PA17/06586, dated 4 July 2017, was refused by notice dated 31 August 2017.
 - The development proposed is installation of a 15m replica telegraph pole mast with 3No antennas, 2No. 0.3m dishes, associated equipment cabinets and development thereto.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. 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 (as amended) for the siting and appearance of "a 15m replica telegraph pole mast with 3No antennas, 2No. 0.3m dishes, associated equipment cabinets and development thereto" at St Just Cricket Club, Cape Cornwall Street, St Just TR19 7JZ in accordance with the terms of the application Ref PA17/06586, dated 4 July 2017, and the plans submitted with it.

Procedural Matters and Background

3. I have taken the descriptions of development from the Appeal Forms as these are more concise than those provided on the Application Forms.
4. I refer to the different cases as Appeal A and Appeal B. I have dealt with each appeal on its individual merits, but to avoid duplication both proposals are considered together in this decision. Although there are two appeals, I have used singular terms in places for ease of reading.
5. The appeals are two alternative proposals for telecommunications masts in identical locations within St Just Cricket Club. Appeal A is for a 15 metre high monopole with antenna housed in an external headframe. Together with cabinets and other equipment, it would be surrounded by a 1.8 metre fence, forming a squared enclosure. Appeal B is similar, except the mast is of a different design with the antenna being housed inside the monopole.

Main Issues

6. The principle of this type of development is already established by the GDPO¹ and it is only the effects of siting and appearance which can be considered in this appeal. In this context, the main issues are the effect of the proposals on the character and appearance of the area and, in the event that any harm is identified, whether that harm would be outweighed by the need for the proposed developments.

Reasons

7. St Just is a small rural village. The cricket club is on the outer fringes of village and contains a pavilion and playing field. It adjoins other fields on edge of the countryside, providing the area with a distinctly open and spacious appearance. Although there are rows of houses to the south along Boswedden Terrace and Cape Cornwall Road, the main built up area of the village is further to the east. As the appeal site is on the northern edge of the cricket field, it is in a relatively isolated position, being well separated from the pavilion and other built development. Indeed, from most nearby roads and footpaths, the site is viewed against a backdrop of open countryside.
8. The site and wider surroundings are within the Cornwall Area of Outstanding Natural Beauty (AONB) as well as being part of a World Heritage Site due to its mining history. It is therefore a landscape of significant value.
9. There is relatively little difference between Appeals A and B in terms of the fenced enclosure surrounding the mast. While slightly different interiors are proposed, both enclosures would have an almost identical exterior appearance. The enclosure would be seen at some distance from Boswedden Terrace and Cape Cornwall Road and would form a relatively small and low lying component of the wider surroundings. In addition, the siting of the enclosure near the existing hedgerow would help to soften its profile when seen from the road as well as screening it from more distant vantage points. As such, this aspect of the development would not be particularly harmful.
10. However, both Appeals A and B propose 15 metre high masts. In both cases, the proposed mast would appear substantially taller than other structures in

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

the vicinity, including the nearby telegraph poles. The prominence of the development would be further emphasised by its siting within a relatively a flat and open landscape, which allows panoramic views of the surrounding countryside. Either of the proposed mast designs would be clearly visible from nearby roads and footpaths, where the development would be seen as a tall, isolated structure, silhouetted against the skyline. This includes views from Cape Cornwall Road, a main route to the coast.

11. Overall, the development proposed in Appeals A and B would be relatively conspicuous features within their setting, adding to the quantity of visual clutter within the landscape. The characteristics of the AONB in this location would be partially eroded as a consequence of either proposal.
12. However, in my view, the mast being proposed in Appeal A would have a more harmful effect. Although the monopole would be relatively slim, the headframe and external antennas would be bulkier structures which would be visually exposed due to their height. This would draw attention to the installation and would contrast more sharply with the appearance of other structures in locality, such as the nearby telegraph poles. While it would still appear conspicuous, the mast proposed in Appeal B would be somewhat less prominent due to its slimmer design and minimal external features. It would cause marginally less visual clutter within the landscape.
13. The National Planning Policy Framework (the Framework) assigns great weight to the protection scenic beauty within the AONB. However, it also strongly supports the provision of high quality communications infrastructure, which is essential for sustainable economic growth. It is evident from the maps supplied that there is a need for improved coverage in the area.
14. Despite the scenic value of the landscape, the Framework makes it clear that there should not be a blanket ban on telecommunications equipment in particular locations. In this case, I am mindful that the whole area is covered over by the AONB designation and therefore, if services are to be improved, there will need to be further telecommunications development within it. Nonetheless, the Framework advises in paragraph 45 that when a new mast or base station is proposed, there should be evidence that the possibility of erecting antennas on existing buildings or structures has been explored. This approach is broadly reflected in the Cornwall AONB Management Plan.
15. Appeals A and B are both supported by evidence that alternative sites in the area have been considered and discounted. I have taken into account the comments made by local residents, but there is little alternative evidence before me to indicate that the discounting process was flawed.
16. The decisions therefore turn on the balance between the need for the proposed development and the harm to landscape character. While the mast proposed in Appeal B would be relatively prominent, I am also mindful that the monopole is designed to minimise clutter and be as inconspicuous as reasonably possible. Given the great weight attached to conserving scenic beauty within the AONB, the matter is very finely balanced. However, I consider that the need for the apparatus proposed is sufficiently compelling to outweigh the harm I have identified in terms of character and appearance. While significant, the overall degree of harm to the AONB would not be so significant as to preclude compromise with the objective of accommodating recognised needs.

17. However, in my view, the harm to character and appearance caused by the proposed mast in Appeal A would not be outweighed by these needs. Whilst this proposal would lead to better service coverage in comparison to the mast proposed in Appeal B, it would also be more visually intrusive. For this reason, the overall balance does not weigh in favour of Appeal A. I have considered the various appeal decisions put forward by the appellant in support of the development but those sites are in different locations and hence the circumstances are not directly comparable.

Conclusions

Appeal A

18. I conclude that the proposal would have a harmful effect on the character and appearance of the area. This harm would not be outweighed by the need for the telecommunications equipment. The proposal would conflict with Policy 23 of the Cornwall Local Plan (the Local Plan) which aims to preserve scenic beauty within the AONB. Appeal A is therefore dismissed.

Appeal B

19. I conclude that the proposal would have a harmful effect on the character and appearance of the area. However, this harm would be outweighed by the need for the telecommunications equipment. While Policy 23 of the Local Plan aims to protect scenic beauty within the AONB, it also recognises that local needs should be accommodated. Similarly, conflict with Policies 1, 2 and 12 of the Local Plan in terms of character and appearance is outweighed by the contribution to sustainable economic development, which is an overarching objective of the plan. I have no evidence of specific harm to the significance World Heritage Site. Appeal B is therefore allowed.
20. The Council has suggested various conditions. However, standard conditions are set out in the GDPO and it is not necessary for me to impose any additional conditions beyond these.

C Cresswell

INSPECTOR