
Appeal Decision

Site visit made on 26 June 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/B1740/W/19/3224905

Wightlink Car Park, Lymington Pier, Lymington, Hampshire SO41 5ZE

- 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 Telefonica UK Limited against the decision of New Forest District Council.
 - The application Ref 18/11685, dated 19 December 2018, was refused by notice dated 13 February 2019.
 - The development proposed is temporary siting of 1 No. 15 metre high monopole (including 3 antennas) 1 No. electrical meter cabinet, 1 No. equipment cabinet, 1 No. 0.3 metre dish mounted on the top of the mast, within a compound comprised of 2.1 metre high chainlink fence with 3 strands of barbed wire and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for the temporary siting of 1 No. 15 metre high monopole (including 3 antennas) 1 No. electrical meter cabinet, 1 No. equipment cabinet, 1 No. 0.3 metre dish mounted on the top of the mast, within a compound comprised of 2.1 metre high chainlink fence with 3 strands of barbed wire and associated development, at Wightlink Car Park, Lymington Pier, Lymington, Hampshire SO41 5ZE in accordance with the terms of the application, Ref 18/11685, dated 19 December 2018, subject to the following condition:
 - 1) The development hereby permitted shall be for a limited period of 12 months from the date of this decision. The development hereby permitted shall be removed in its entirety at the expiry of this period, and the land then restored to its former condition in accordance with a scheme and schedule of work that shall first have been submitted to, and approved in writing by the local planning authority.

Procedural Matters

2. I have taken the description of development in the heading above from the appellant's appeal form. This is an edited version of the description provided on the application form, which takes into account changes made to the proposal during determination of the planning application. It is more complete than the description used by the Council.

3. The proposal originally sought planning permission for a temporary period of 5 years. This was however revised to 12 months during the course of the Council's determination of the planning application. I have therefore considered the appeal on the basis that the proposal relates to a temporary period of 12 months.
4. The development has already taken place, having originally occurred under emergency powers. I have therefore assessed the proposal on the basis of the development as it exists.

Main Issues

5. The site lies within the South West Hampshire Green Belt. There is no dispute between the parties that the development is inappropriate in the terms set out in the National Planning Policy Framework (the Framework). Inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Accordingly, the main issues are:
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area including the settings of the New Forest National Park (the National Park) and Forest South East Conservation Area (the Conservation Area); and
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Openness

6. In spatial terms, the development has resulted the provision of solid fabric where none existed previously. This has, as a matter of fact, eroded the openness of the Green Belt. However, the amount of space actually occupied by the development is small.
7. The development is sited within a car park. The immediate setting was occupied by parked vehicles during my visit. Given that the car park serves the adjacent ferry terminal, it is reasonable to consider that this level of use is a regular occurrence. As such the car park is not a permanently open space, or indeed perceptibly open when it is in use.
8. Parked vehicles obscure views of the compound within the car park, whilst adjacent vegetation obscures views of the compound from outside the car park. Views from the car park towards the development are largely against a rising backdrop of buildings and trees. Each in combination limits the extent to which the monopole is noticeable.
9. Views from outside and across the car park feature a large number of vertical structures of varying height and diameter. These include poles to which floodlights, cameras or signs are fixed, street lights and telegraph poles. In some views a dense backdrop of masts belonging to boats in the adjacent marina also exists, some of which appear to carry antennae.

Though individual boats may come and go from the marina, it is again reasonable to consider that the presence of moored boats is a regular component of the view. Perspective lends varying prominence to all these vertical structures moving through the area, with a shifting back drop of development, vegetation and sky common features. Though clearly thicker and taller than some other vertical structures in the immediate vicinity, the monopole is therefore neither uniquely prominent nor conspicuous viewed within its context.

10. For the above reasons, viewed in context, visual perception of the loss of openness caused by the development is minimal.
11. I conclude therefore that the effect of the development on the openness of the Green Belt is not harmful, and does not conflict with the purposes of including land within it, as set out in paragraph 134 of the Framework; or the 3 objectives outlined in Policy CS10 of the New Forest District (outside the National Park) Core Strategy: 2009 (the CS), which set out the Council's commitment to retain and support the Green Belt.

Character and appearance

12. The site lies adjacent to the boundaries of the National Park and the Conservation Area, both of which exclude the car park, adjacent ferry terminal and the section of Undershore Road serving them. I have therefore taken into account the statutory purposes of the National Park designation and advice in paragraph 172 of the Framework to give great weight to the conservation and enhancement of landscape and scenic beauty within National Parks. In the exercise of planning functions, the statutory test is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
13. The Conservation Area is a large designation whose significance principally lies in the distinctive New Forest landscape and traditional development it contains. Close to the site the Conservation Area includes dwellings along one side of Undershore Road. These buildings are set at higher level, reasonably well screened, and form part of a broader group of buildings along the road. The particular significance of this group lies in its age, architectural character, and its historic relationship with the waterfront location. The car park and ferry terminal make up an element of the broader setting of this group, and in turn a very minor element of the setting of the Conservation Area as a whole. Neither the car park nor the ferry terminal contributes to the significance of the building group or the Conservation Area.
14. Whilst I acknowledge that the monopole can be seen within some private views from adjacent dwellings located within the Conservation Area and National Park, public views of the development from within each are in fact very limited. These views are chiefly available from along a relatively short stretch of Undershore Road approaching from the north east, and from the junction of Monument Lane with Undershore Road immediately opposite of site. The compound is not clearly visible within either view, and the

monopole is viewed against the busy and visually congested backdrop of the car park, terminal, marina and the plethora of similarly utilitarian vertical structures and features they contain.

15. Public views of the development from outside the National Park and Conservation Area, but featuring each within the backdrop, exist from within the car park. These views are very limited in their extent and depth, and as outlined above, the development is not very conspicuous within them.
16. With regard to views from both outside and within the National Park and Conservation Area therefore, the development does not cause harm, and does not detract from either the landscape or scenic beauty of the National Park, or the ability of the public to appreciate the significance of the Conservation Area. Consequently there is also no conflict with the purposes of National Park designation, which include the conservation and enhancement of cultural heritage.
17. For the reasons outlined above I conclude that the development does not cause material harm to the character and appearance of the area including the settings of the National Park and the Conservation Area. The development would therefore comply with Policy CS3 of the CS, which amongst other things seeks to protect and, where possible, enhance sites of recognised importance for heritage conservation; Policy DM1 of the New Forest District (outside the National Park) Local Plan Part 2: Sites and Development Management 2014 which states that development proposals and other initiatives should conserve and seek to enhance the historic environment and heritage assets; Policy CS2 of the CS which requires new development to be designed to respect the character, identity, and context of the area's towns, villages and countryside; and Policy CS8 of the CS which seeks to minimise adverse impacts arising from provision of infrastructure.

Other considerations

18. The appellant states that the development is necessary in order to provide mobile coverage for the busy port area whilst work is undertaken to construct a permanent mast at another site reasonably nearby. Planning permission has already been granted for this mast, reference APP/B1740/W/18/3196607. I have no particular reason to believe that the permanent mast will not be constructed during this period. In the event the appeal was allowed, the temporary period for which permission is sought could furthermore be secured by a condition requiring removal of the development and site restoration. Such a condition has been proposed by the Council, and could be used to secure timely removal of the pole.
19. A consequence of dismissing the appeal would be a gap in mobile coverage for the busy port area. Here I have taken into account paragraph 112 of the Framework which states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The social and economic benefits of providing interim mobile coverage attract substantial weight in this case.
20. Whilst it is clear that the development has now exceeded the period allowed with regard its installation under emergency powers, the service has

nonetheless become established, as too have the social and economic benefits which flow from it.

21. It is clear that a range of alternative sites providing potential for coverage within the target area were considered in the context of the planning application for a permanent mast. I note that the Inspector in the related appeal accepted that these were unsuitable. In this context the current appeal site represents an interim solution. Whilst I have been provided with no evidence that the appellant has carried out a further search for temporary sites outside the Green Belt, I am satisfied that on the basis of the previous search, this would be unlikely to yield sites that would allow coverage of the target area. I attach moderate weight to this consideration.

Other planning matters

22. As noted above, the top of the mast can be seen from adjacent dwellings. Views are however limited, and mainly available from first floor windows. These windows are a reasonably long distance from the mast itself, and the view is increasing oblique. Whilst visible, the development therefore does not cause an unacceptable degree of harm to the outlook from these dwellings.

Whether there are very special circumstances

23. The development is inappropriate within the Green Belt. This is a matter to which I attach substantial weight. I have however concluded the openness of the Green Belt would be unharmed. I have also concluded that there would be no material harm to the settings of the National Park and Conservation Area. Attaching substantial weight to the social and economic benefits of the development, I conclude that the harm caused by inappropriateness would be clearly outweighed by other considerations, and therefore that the very special circumstances necessary to justify the development exist.

Conditions

24. I have imposed a condition defining the temporary period for which planning permission was sought, and is granted, and setting out the requirement to carry out site restoration works in accordance with agreed details upon expiry of this temporary period. I have used a modified wording to that provided by the Council. This is because requiring site restoration prior to the expiry of the temporary period would contradict the permission.
25. A temporary permission is justified on account of the social and economic benefits the development generates. The condition provides an enforceable basis for removal of the development upon expiry of the temporary period of the permission, and ensures that the any damage caused to the site as a result of the erection and removal of the development will then be rectified.

Conclusion

26. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR