
Appeal Decision

Site visit made on 25 April 2019

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

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/N0410/W/18/3209254

Berry Hill Farm, Berry Hill, Taplow SL6 0DA

- 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 Mr Doron Bar of Raft Technologies Limited against the decision of South Bucks District Council.
 - The application Ref 18/00776/FUL, dated 30 April 2018, was refused by notice dated 11 July 2018.
 - The development proposed is erection of lattice mast and antennae including 3 satellite dishes and shelter cabin.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has referenced policies from the South Bucks District Local Plan 1999 (the Local Plan). It is apparent that the Local Plan's Green Belt policies were written with regard to now superseded national policy. Therefore, in line with paragraph 213 of the National Planning Policy Framework (the Framework) I have considered them according to their degree of consistency with the Framework.
3. The appellant raises concerns regarding the way in which the Council handled the provision of pre-application advice, and processed the planning application. These are however matters which fall outside the scope of this appeal.
4. The appellant has indicated that planning permission is required for a 10 year period. I have therefore considered the appeal on this basis.

Main Issues

5. The main issues are:
 - whether the development would be inappropriate development in the Green Belt;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on character and appearance of the area; and
 - if the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by

other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the development would be inappropriate

6. The site lies within the Metropolitan Green Belt. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate development in Green Belt. The proposed development would involve the construction of a mast with antennae, and shelter cabin. This type of development does not fall within the scope of any of the exceptions listed in paragraphs 145 and 146 of the Framework.
7. Though the appellant makes brief reference to engineering operations, which are listed as an exception in paragraph 146 of the Framework, no explanation of how this is relevant to the proposal has been provided. It is furthermore clear that the development would not, as a whole, constitute an engineering operation.
8. For the reasons outlined above, I conclude that the proposal would amount to inappropriate development in the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. Given my findings, I conclude that the proposed development would conflict with the Policy GB1 of the Local Plan which sets out a list of development types permitted within the Green Belt that generally aligns with those in the Framework, and the Framework, which seeks to contain development and prevent harm to the Green Belt. The Council also quoted Policy EP18 of the Local Plan in its decision. However as this sets out an exception for certain types of telecommunications development within the Green Belt that is not included within the Framework, I afford the identified conflict limited weight in the overall planning balance.

The effect on openness

9. In spatial terms, the proposed provision of the mast and shelter cabin would entail the introduction of 'built' forms where currently there are none. Notwithstanding the limited footprint of these built forms, this would, as a matter of fact, erode the openness of the Green Belt.
10. The mast, and in some cases the shelter cabin, would be viewed from a number of surrounding locations. The clearest and most immediate views would be from the adjacent football field. From this location the cabin and mast would each be viewed relative to the open field within which they would stand, and, notwithstanding the presence of the quarry to the east, against an open backdrop. In each regard the development would be highly prominent.
11. The mast and cabin would also be glimpsed from Berry Hill, and given that the height of the mast would cause it to rise above the tree belt to the south of the site, it is likely that views would also exist from Bath Road, Approach Road, and the car park attached to the pub to the south east. In each view the mast would again be prominent.
12. The top section of the mast would also be apparent to rail passengers travelling on the line to the south, from which it would be noticeable within long, albeit fleeting views across the landscape towards the north.

13. Given its high degree of visual prominence, the loss of openness caused the development would be clearly perceived. I therefore consider that the development would have a significant adverse effect on the openness of the Green Belt. The fact that the permission would be for a temporary period only would not diminish the significant level of harm caused during this period.
14. I conclude therefore that the proposal would cause significant harm to the openness of the Green Belt, to which I attach substantial weight. Given my findings, I again conclude that the proposed development would conflict with the Policy GB1 of the Local Plan which sets out a list of development types permitted within the Green Belt which generally aligns with those in the Framework.

Character and appearance

15. The site is located on rising ground within a small field. This is separated from development lying at lower level towards the south by a belt of woodland, and from buildings lying at lower level towards the west by a football field. Buildings visible immediately to the north appear sporadic and there is again good tree cover. Though a quarry, parts of which have been profiled and landscaped, lies to the east and north-east of the site, it is distinctly separate to the built-up area to the south and west of the site, and clear views are possible across it towards Taplow. Indeed, the prevailing impression is that the site, as too the quarry, lies within the predominantly open rural fringe of the built-up area of Maidenhead, and within a landscape gap which separates Maidenhead from both Taplow to the north, and Slough to the east.
16. As outlined above, full or partial views of the proposed development would be available from various locations. Within these views the height and shape of the mast, combined with the bulk of the cabin, would draw attention. Prominence would be increased by the absence of comparable structures nearby, and relative to the immediate open setting of the site. Within this context the development would appear both discordant, and a visually intrusive encroachment within the rural fringe.
17. The structures could be painted green, and vegetation could be grown up the lower sections of the mast. However, given the immediate open setting, this would not provide effective camouflage, and might in fact draw additional attention. Furthermore, it would not address visibility of the upper portion of the mast, which would be viewed partially or wholly against the sky.
18. For the reasons outlined above I conclude that the development would have an unacceptably adverse effect on the character and appearance of the area. It would therefore conflict with Policy EP3 of the Local Plan which amongst other things states that development will only be permitted where its scale, siting, height, design and external materials are compatible with the character of the site and the locality in general. I attach substantial weight to the harm that would be caused.

Other considerations

19. The mast would be for the receipt and transmission of financial trading communications. The appellant indicates that it can only operate from a quiet location where there is a clear line of sight to Slough data centre. Given these geographical and technical search constraints a Green Belt location is required.

20. The appellant states that the service provided would benefit the City of London, the stock exchange and the UK economy more generally. I acknowledge that paragraph 112 of the Framework indicates that decisions should support the expansion of electronic communications networks, and that paragraph 116 of the Framework indicates that the need for an electronic communications system should not be questioned. However, in view of the fact that the Framework does not include development of this type amongst the listed exceptions in paragraphs 145 and 146, it is nonetheless relevant to note that very limited information with regard to these stated benefits has been provided. It is indeed unclear how such a service would relate to, or fit in alongside existing means of communication between financial centres, and who exactly would make use of it. The level of stated benefit is not therefore wholly substantiated. As such, and given the limited duration of the benefit, I accord it only moderate weight.
21. More localised economic benefits would derive from the construction and maintenance of the mast, and may also result from increased employment at Slough data centre. Given the relatively modest level of such benefit this consideration again attracts only moderate weight.
22. In conclusion therefore, the other considerations advanced by the appellants attract moderate weight as matters in favour of the proposal.

Planning Balance and Conclusion

23. The proposal would be inappropriate development that would have a significant adverse effect on the openness of the Green Belt. In each case I have attached substantial weight to the harm that would arise. In addition, the proposal would harm the character and appearance of the area. This is a consideration to which I have attached substantial weight.
24. The other considerations referred to by the appellant carry moderate weight in favour of the proposal, which is insufficient to outweigh the harm to the Green Belt, and any other harm considered in combination. As such, harm caused by the proposal would not be clearly outweighed by other considerations, and therefore the very special circumstances necessary to justify the development do not exist. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR