



Appeal Decision

Site visit made on 6 January 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal Ref: APP/B5480/W/19/3240263

**Cardrome Learner Driver Centre, Upper Rainham Road, Hornchurch
RM12 4EU**

- 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 MBNL (EE (UK) Ltd and H3G (UK) Ltd) against the decision of the Council of the London Borough of Havering.
 - The application Ref P0386.19, dated 11 March 2019, was refused by notice dated 3 May 2019.
 - The development proposed is described as the removal of the existing 15 metre high monopole (supporting 3 no. antennas and a 300mm dish) and 3 no. equipment cabinets and their replacement with a new 20 metre high monopole supporting 6 no. antenna apertures and 4 no. 600mm dishes, 8 no. equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are whether the proposal constitutes inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and if I find that the scheme is inappropriate development, 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 the development.

Reasons

Whether or not inappropriate development

3. The appeal site is located to the south of Cardrome Learner Driver Centre, an enclave of small businesses outside Hornchurch, and includes a car dealership, petrol filling station and a skate park. An unmade vehicular track leads around the skate park to the site, enclosed within a secure compound. The site is set well back from Upper Rainham Road and is currently occupied by a monopole of approximately 15 metres in height supporting a number of antennas and a dish with ground base equipment cabinets. The site is located within land identified as Metropolitan Green Belt.
4. Due to the advancements in technology, the existing 15m high mast is required to be removed and upgraded by the joint venture known as Everything

Everywhere (EE). The upgrade is required to enhance network services and the introduction of new 5G technology to the area for EE and Hutchinson 3G UK Ltd (H3G).

5. The Framework explains that the Green Belt has five purposes and should be protected from inappropriate development. Inappropriate development within the Green Belt is by definition, harmful to the openness of the Green Belt, although exceptions apply. This form of development does not amount to the exceptions as listed under paragraphs 145 and 146 of the Framework, and is by definition, inappropriate development within the Green Belt.
6. In paragraph 144, the Framework makes clear that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, as well as any other harm resulting from the proposal, is clearly outweighed by other considerations.

Effects on openness

7. The existing monopole is the result of a previous planning appeal decision¹ dating from 2006 where the Inspector was minded to allow the prior approval for a 15m high monopole as he came to the conclusion that the need for the development and the lack of alternative sites, amounted to very special circumstances existing to outweigh the harm that would arise as a result of the proposal. I therefore accept that a telecommunications apparatus has been in situ here for a number of years, and the principle of telecommunications equipment within the Green Belt has been established by virtue of the siting and appearance of the existing monopole.
8. However, at approximately 20m in height, the proposal would amount to a 25% increase in height compared to the existing monopole. Moreover, the girth of the monopole to support the headframe would extend to a circumference that would be nearly twice as wide as the existing structure. Further apparatus would be mounted below the apertures that would appear as a cluster of infrastructures. This would also emphasise its large scale.
9. In assessing the effects of the appeal scheme, I am mindful that in terms of the Green Belt, the concept of openness encompasses not only its visual aspects, but also its spatial implications. In effect, openness in Green Belt terms means that land within it should remain, on the whole, free from development.
10. Given the increased height, circumference and amount of apparatus proposed to be attached to the monopole, the proposal would have a greater impact on the openness of the Green Belt than the existing monopole and would lead to a considerable and permanent depletion of the appeal site's openness. Thus, it would conflict with the Green Belt's purpose of preserving its openness and, would consequently reduce its openness to a significant degree both in terms of its visual and spatial aspects. In this regard it would therefore be contrary to the Framework.

¹ APP/B5480/A/06/2021940/NWF

Character and Appearance

11. The proposed monopole and apparatus would uniformly rise above the upper height of trees that would partially frame the proposed installation. The tree heights vary, but the monopole at approximately 20 metres in height, would rise considerably above the height of these trees and would be the highest feature within the area. The trees currently provide insufficient mitigation of the existing mast and as a result, there are views of the monopole from all directions. Given the height of the proposed development with a wide head frame and its increased circumference, this structure would be significantly emphasised. It would not become well assimilated into its environment.
12. The height and stark appearance of this proposed structure would be obvious, especially as the uppermost part would be visible against the backdrop of the skyline. It would not be good design as it would not be sympathetically designed and camouflaged. Hence, the development would be an incongruous and dominant feature in these parts of the streetscape. Thus, it would be visually harmful to the character and appearance of the area.
13. I note the appellants argument that this mast would achieve the required network coverage to support the local area, but they also acknowledge that there may be scope for a revised scheme that would meet their operational requirements. However, the details of this are not for me to comment on and I have assessed the proposal on the information submitted.
14. A comparison with this proposal and a neighbouring telecommunications installation has been made by the appellants. However, the two are not comparable as they would be materially different in their overall height, design and locations and therefore I attach limited weight to this argument.
15. On the issue of character and appearance, I therefore conclude that the proposal would result in significant harm to the character and appearance of the area. Hence the scheme would conflict with Policy 61 of the Core Strategy & Development Control Policies Development Plan Document 2008 (CS & DCPDPD) which require, among other things, developments to maintain, enhance or improve the character and appearance of the local area and to complement it.

Other considerations

16. A number of other appeal examples brought to my attention to support the proposal relate in the main to telecommunications prior approval appeals. These are much lower mast heights when compared to this proposal, and were not identified as being located within the Green Belt, or within the same Borough of London. Therefore, I apply limited weight to these appeal cases.
17. They also include within their Statement of Case an Inspector's view that alternative sites are not required to be considered when an existing site is upgraded. Whilst this point is noted, the Framework explains that applications for telecommunications development should be supported with the necessary evidence to justify the proposed development. This should include: for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. No evidence has been provided to consider other options and I apply weight to this in my reasoning.

18. The appellants refer to the Framework, and its onus to support the telecommunications industry. A number of Government statements to support and drive towards advanced digital connectivity has been referenced, as well as emphasising the effect of lack of, or reduced mobile connectivity, on the economy and promotion of social inclusion. Public benefits brought by mobile coverage is also another material consideration the appellants argue. I am mindful of these intentions and advantages of the telecommunications industry in my assessment.
19. The appellants also reason that as the site is designated by the Council as a Major Development Site, and this commercial setting, it is not set within the context of a rural or open location. However, the Framework is very specific in its position to protect the openness of the Green Belt against inappropriate development, regardless of the sites' context. Any mitigation properties of trees or the existing built development close by, would not alter the harm I have identified.
20. Policy DC45 of the Havering CS & DCPDPD specifically relates to appropriate development within the Green Belt. This policy pre-dates the revised Framework and is based on the Planning Policy Guidance 2 Green Belts. This is out of date policy. Paragraph 11 of the Framework states that there is a presumption in favour of sustainable development. It goes on to advise that for decision-taking circumstances, where the policies which are most important for determining the application are out of date, on the granting of planning permission unless the application of policies in the Framework that protect areas or assets (which specifically includes Green Belt) provides a clear reason for refusing the development proposed.
21. I have taken account of this advice when making my decision. I therefore contend that whilst there are material considerations in favour of the development, I am not persuaded that these outweigh the harm to the openness of the Green Belt, and very special circumstances do not exist that would outweigh the harm that would arise to the openness of the Green Belt, thus providing a clear reason to refuse the development on these grounds.
22. As such, the proposal would not accord with the Framework, or policy 7.16 of the London Plan that seeks to protect the Green Belt from inappropriate development.

Other Matters

23. The emerging Local Plan for Havering has been referenced by the appellants which they state includes the promotion of the use of telecommunications. However, I have not been furnished with this information to consider and have based my decision on the evidence before me.

The balancing exercise

24. I have had regard to the need for the development and the justifications put forward by the appellants. However, despite the evidence presented, the significant harm that I have found in relation to the openness of the Green Belt, as well as to the other consideration of harm arising to the character and appearance of the area, these matters do not weigh in favour of the proposal.

25. In coming to the Green Belt and planning balance, I conclude that the benefits do not clearly outweigh the totality of harm that would arise as a result of the development, and the very special circumstances necessary to justify the proposal do not therefore exist.

Conclusion

26. For the reasons set out above, I conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR