



Appeal Decision

Site visit made on 4 February 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2020

Appeal Ref: APP/G5180/W/19/3240742

Court Lodge Farm, Warren Road, Chelsfield, Orpington BR6 6ER

- 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 of the Town & Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by EE Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/01081/TELCOM, dated 18 March 2019, was refused by notice dated 10 May 2019.
 - The development proposed is the installation of 1No. 20m high Swann 30H lattice tower, with 3No. antennas, 2No. 0.6m dishes, 3No. ground-based equipment cabinets and ancillary development to be installed on a 8.0m x 8.0m compound within a 2.1m palisade fence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the appeal site is within the Metropolitan Green Belt and much of the evidence relates to the analysis of this matter, the only issues that I can consider in respect of a prior approval appeal for telecommunications equipment are siting and appearance. Accordingly, the principle of development is not a consideration and the question of whether or not the proposal represents inappropriate development in the Green Belt does not arise.

Main Issue

3. The main issue therefore is the effect of the development on the character and appearance of the area with particular regard to its siting and appearance.

Reasons

4. The appeal relates to the provision of a 20m high lattice tower which would include 3no. antennas, 2no. dishes, ground based equipment cabinets and ancillary development within a compound. The proposed site is immediately adjacent to a railway line sitting within a deep cutting to the south east of Chelsfield Station. The equipment is specifically required to provide coverage for rail users using the EE network on the adjacent line.
5. To the south west of the railway line, the area is residential in nature albeit at a low-density forming part of an area of special residential character. Well sized

and in the main detached properties on Oxenden Wood Road and The Meadows benefit from large rear gardens which extend towards the line.

6. Beyond the line, to its north eastern side, the character of the area is completely different. A large field, on the edge of which the proposal would be sited, extends to the east and forms part of an area of relatively open countryside.
7. The tower would be largely screened from view from the residential properties to the south west of the line by the presence of heavy tree planting within the rear gardens and adjacent to the railway line. If glimpsed views were taken from the north east when travelling along Warren Road the tower would be viewed largely against the backdrop of trees to the south west of the line.
8. However, a public footpath runs adjacent to the railway line to the rear of Oxenden Wood Road and The Meadows. Users of this path are currently able to enjoy good views across the open countryside to the north east. Given that the heavy tree screening sits to the south west of the footpath, it offers no screening benefit to the site for users of the right of way. While there is some tree planting on the boundary of the field to the north east of the line, the trees are well spaced and not of significant height. While it would be provided with a green finish, the lattice tower would be at a significant height and its urban appearance would form an obtrusive feature which would be significantly at odds with its rural setting.
9. As a result, it would have a detrimental impact on the character and appearance of the area and would therefore be contrary to Policy 37 of the Bromley Local Plan (2019) (BLP) which seeks to ensure amongst other things that development should positively contribute to the landscape. I accept that the proposal would accord with some facets of Policy 89 of the BLP relating to telecommunications equipment. However, it requires that the design and siting of such equipment shall minimise its visual impact and given my findings above in relation to the character and appearance of the area, the proposal would fail to accord with this aspect of the Policy.
10. I note that a previously proposed location was dismissed as unsuitable by the Council, that various other sites have been identified and ruled out as unsuitable and that the evidence indicates little possibility of mast sharing. However, given the constraints that I have found with regard to the appeal site the information that has been provided has not convinced me that alternative sites would be wholly unsuitable or that this site is the least worst option. I do accept that there are technical and operational difficulties in providing network coverage to the railway line and that the provision of such coverage sits with the Governments broader support for connectivity on rail routes and telecommunications infrastructure more generally.
11. Nevertheless, such coverage should not be achieved at any cost and in this case, I cannot rule out the possibility that an alternative site might yet be found to address the Council's concerns. Neither can I rule out the possibility that alternative technology of a less obtrusive nature could perform the same function as the tower in relation to network coverage on this section of the railway line. Furthermore, and in any event, I do not consider that the operational and locational needs of the operators outweigh the significant harm I have identified from the siting of the tower in this particular location.

Other Matters

12. Concerns have been raised by interested parties about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the National Planning Policy Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conclusion

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

T J Burnham

INSPECTOR