



Appeal Decision

Site visit made on 21 May 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2020

Appeal Ref: APP/K3605/W/19/3243050

Oaken Lane, Claygate, Surrey KT10 0RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required 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 EE Limited against the decision of Elmbridge Borough Council.
 - The application Ref 2019/2221, dated 9 August 2019, was refused by notice dated 3 October 2019.
 - The development proposed is described as "The installation of 1No. 20m 'Phase 5' street pole, 3No. shrouded antennas, 2No. 0.3m dishes, 3No. equipment cabinets and ancillary development thereto."
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Decision

1. 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 (the GPDO) for the installation of 1No. 20m 'Phase 5' street pole, 3No. shrouded antennas, 2No. 0.3m dishes, 3No. equipment cabinets and ancillary development thereto, at Oaken Lane, Claygate, Surrey KT10 0RQ in accordance with the terms of the application Ref 2019/2221, dated 9 August 2019, and the plans submitted with it.

Main Issue

2. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area, and that of the openness of the Green Belt.

Reasons

3. The mast as proposed would be on a grass verge between two mature trees. This mast would include associated dishes and cabinets. The mast would be near a sports facility and also residential streets.
4. The mast positioned adjacent to the relatively busy Oaken Lane would be clearly visible, even if partially obscured from certain viewpoints by the adjacent trees. However, whilst visible I am not of the opinion that it would be overly prominent. The mast would be mostly coloured green as shown on the submitted elevation plan, which should help it blend in visually with the adjacent trees and other vegetation. Furthermore, although tall it is a slender

column which is not dissimilar to street light columns for example, of which there are several near the site.

5. This section of Oaken Lane has some existing street lights and telegraph poles, but I would not consider it as overly cluttered. The addition of a mast with cabinets within this street scene would not result in an overly cluttered appearance either. In such a setting I would not consider a mast such as that proposed as being out of keeping, with such infrastructure now a familiar feature of many streets across the country.
6. Further to the above, the appellant has provided information as to why this location is preferable and why there needs to be the height of the mast as proposed. This would help to provide telecoms infrastructure which is a significant benefit. Nonetheless, from a visual impact perspective, I do not consider the mast as harmful to this setting.
7. The Council has also raised the issue of the mast being positioned within the Green Belt. Under Class A of Part 16 of Schedule 2 of the General Permitted Development Order (GPDO) 2015, the only issues which can be considered in respect of a prior approval application 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. Notwithstanding this, the slender mast would not result in any discernible loss of openness to the Green Belt.
8. The principle of development is established by the GPDO and, in this context, I solely have regard to the policies within the Development Plan and the National Planning Policy Framework (the Framework) which are relevant to the siting and appearance of the proposal. In this regard, I have concluded that the proposed siting and appearance of the development would be acceptable, with the character and appearance of the area suitably preserved. I also note the significant benefits of providing this equipment, as expressed in the appellant's evidence.
9. The proposal is therefore in general accordance with the relevant sections of policy DM16 of the Development Management Plan (2015), which seeks to, amongst other things, require telecommunication proposals to have no significant adverse effect on the visual amenities of an area and be appropriately designed, amongst other things. I also consider that the scheme would comply with the Framework which requires electronic communication equipment to be sympathetically designed (Paragraph 113).

Conditions

10. The GPDO sets out standard conditions, which specify, for example, that the development must be carried out in accordance with the details submitted with the application (which includes the use of RAL 6009 green colour for the pole and cabinets, as set out on the submitted plans), must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its former condition. Other than the standard conditions set out in the GPDO for development by electronic communications

code operators it is not necessary for me to impose any additional conditions beyond those.

Conclusions

11. For the reasons given above, I conclude that the appeal should be allowed and prior approval granted, subject to the aforementioned conditions set out in the GPDO.

S. Rennie

INSPECTOR