
Appeal Decision

Site visit made on 1 July 2020

by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 20 July 2020

Appeal Ref: APP/Q1445/W/20/3246497

Roedean Way Street Works, Roedean Way, Brighton BN2 5RN

- 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 against the decision of Brighton & Hove City Council.
 - The application No: BH2019/01937, dated 28 June 2019, was refused by notice dated 21 August 2019.
 - The development proposed is the removal of the existing 12 m streetworks monopole and all redundant equipment and the installation of a 20 m streetworks monopole, with 12 apertures, 9 cabinets, ancillary equipment and associated works.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal site is located near to the junction of Roedean Road and the A259. It is in an open grassed area outside of, but near to, the South Downs National Park (SDNP). The nearest parts of the SDNP lie to the east of the appeal site, beyond an informal car park, and to the south-east, on the opposite side of the A259. Roedean School, a grade II listed building, lies further to the east. I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building.

Main issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area and whether any harm caused is outweighed by the need to site the installation in this location.

Reasons

Benefits of the proposed telecommunications infrastructure

4. The National Planning Policy Framework (NPPF) states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and adds that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology such as 5G. The appellant refers to the Department for Digital, Culture, Media & Sport's publication entitled *Connected Growth – A Manual for Places*, which provides that improved digital infrastructure lowers barriers to social and economic participation and boosts

productivity and earning power. The Minister emphasises that the digital sector is central to the nation's economic future. Furthermore, the Government wants the UK to be a world leader in 5G with the majority of the UK population to have access to a 5G signal by 2027. Critical to achieving this is the ability of operators to deploy appropriate infrastructure. The appeal scheme gains considerable support in this regard, and these benefits of the proposal are a consideration that should be given significant weight in the planning balance.

Character and appearance

5. It was apparent from my site visit that a key characteristic of the locality that contains the appeal site is its openness. The open space on both sides of this part of Roedean Road is an important part of the transition from the urban area into the downland landscape of the nearby SDNP. The proposed monopole and cabinets would be considerably more prominent than the existing telecommunications infrastructure. The proposal would sit uncomfortably in this context and would significantly erode the sense of openness that prevails in this area. This would have a detrimental effect on the local landscape character.
6. For those travelling down Roedean Road towards the A259 junction the proposed monopole would be a particularly intrusive feature in views over the surrounding undeveloped coastal area and out to sea. There would also be views toward the proposed monopole from the A259 with the SDNP in the background. The height and width of the proposed monopole, along with the configuration of 12 individual sector antennas positioned at four levels, would result in a utilitarian structure that would dominate the existing modest street furniture at this road junction. This would introduce a discordant element into what is currently a cohesive scene and a visually important approach to this part of the SDNP. The proposed line of cabinets along the roadside would result in considerable visual clutter that would harm the local street scene. The adverse visual impact of the proposed development would harm the appearance of the area and the setting of the SDNP.
7. I find that the proposed development would have an adverse effect on the character and appearance of the area of substantial significance, which is a consideration that should be given substantial weight in the planning balance.

Setting of the listed building

8. Roedean School occupies an elevated position in an extensive open setting. The listed building is prominent in the surrounding open downland and its wide setting makes an important contribution to its architectural and historic significance. The proposed monopole would, to some extent, detract from the open setting of the school. I find that the proposal would result in some harm to the setting of the listed building, but this harm is towards the lower end of the 'less than substantial' scale for the purposes of applying the NPPF. I have given considerable importance and weight to the harm to a designated heritage asset, but I find here that the limited harm would be outweighed by the public benefits of the proposal.

Health concerns

9. The nearest residential dwellings lie about 190 m to the north of the appeal site. Concerns have been raised about potential effects on the health of those living nearby and attending Roedean School. 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 NPPF 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.

Other matters

10. I have taken into account all the other matters raised in the evidence, including local concerns about the effects on wildlife and highway safety. There is no convincing evidence to indicate that the proposal would have an unacceptable adverse effect on biodiversity. The proposed cabinets, by reason of their siting and height, would not be likely to obscure the view of road users to the extent that would materially impair highway safety. I have taken into account all other matters raised in evidence, but have found nothing to outweigh the main considerations that lead to my conclusions.

Conclusions

11. I am required to decide this appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. Heritage and health considerations do not weigh significantly against the proposal. However, the adverse effect on the character and appearance of the area is a consideration that should be given substantial weight in the planning balance. This harm would bring the proposal into conflict with retained Policy QD23 of the Brighton & Hove Local Plan, which sets out criteria for telecommunications development.¹ Criterion (e) states that development will only be permitted where there would be no unacceptable adverse impact on, amongst other things, landscape in the locality. Given the conflict with Policy QD23 the exception cited in retained Policy QD24 does not apply. The proposal would, therefore, be at odds with Policy QD24, which provides that telecommunication developments will not be permitted in locations where they would have an adverse effect on, amongst other things, the setting of the national park.
12. I fully acknowledge the benefits that the proposal would bring in terms of improved telecommunications and especially for the provision of 5G, along with national support for this technology, but I find in this case that the harm outweighs these benefits and so the planning balance falls against the proposal. I have taken into account the appellant's assessment of alternative sites and masts, along with the specific requirements for 5G, and the scope for the proposed monopole to accommodate 2G-5G technology with joint operators. However, I am not satisfied that the evidence about a lack of alternatives to the proposed development is a decisive consideration in the circumstances that apply here.

¹ Brighton & Hove Local Plan 2005 Policies Retained on adoption of the Brighton & Hove City Plan Part One 2016.

13. On the main issue, I find that the harm to the character and appearance of the area is not outweighed by the need to site the installation in this location. The proposed development would be contrary to the development plan and there are no material considerations to indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Woolcock
Inspector