



Appeal Decision

Site visit made on 6 July 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2020

Appeal Ref: APP/E2734/W/20/3251905

Land South of Clubhouse, Ripon Rugby Club, Mallorie Park Drive, Ripon HG4 2QD

- 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 EE Limited against the decision of Harrogate Borough Council.
 - The application Ref 19/04956/FUL, dated 29 November 2019, was refused by notice dated 13 March 2020.
 - The development proposed is installation of a new telecommunications mast and supporting apparatus (amended plans).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development provided on the planning application form has been replaced by a more concise version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately reflect the appeal proposal and I have therefore used it within this decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the Ripon Conservation Area.

Reasons

4. The appeal site is within The Spa sub-area of the Ripon Conservation Area (CA). The Council refers to the legacy of parks and open spaces in this area and the designation of the site as an important open space. The CA Character Appraisal also refers to this area as containing the main parks and sports grounds in the City. This reflects my own observations, where I saw that this open space and the context of the sports grounds is a key element in the character and appearance of this area as well as contributing to the importance of the CA as a designated heritage asset.
5. Despite the open character of this area, there are a number of vertical features in the vicinity of the site including telegraph poles, rugby goal posts, lighting columns and trees.

6. With regards to man-made features, although the proposed mast is described in the appellant's evidence as being of a slimline appearance it would be noticeably higher than the nearby telegraph pole and would be of a greater diameter than that pole and other vertical man-made features in the vicinity. Whilst there are a number of goal posts and lighting columns in the area, these reflect the history and continued use of the sports grounds and do not appear as incongruous or obtrusive features. Within this context, the proposed mast would appear as an obviously engineered feature of a greater scale and bulk which would not sit comfortably in views of this open recreation area.
7. Trees in the vicinity of the site provide a degree of screening in views from the surrounding area and from within the sporting grounds, as well as providing a backdrop for views of the mast. However, I also saw that the proposal would be readily apparent through gaps between the trees when moving through the area. As a result the mast would appear as an obtrusive feature from the surrounding area and from within the recreation ground, even allowing for the screening effect and backdrop provided by trees. I am also mindful that the screening benefits of trees would be significantly diminished when they are not in leaf.
8. Reference has been made to the surface treatment of the mast, its slim profile and proximity to other vertical features. But, given the relative size, bulk and sensitive location of the proposal I am not persuaded that this successfully mitigates its prominent appearance. I have had regard to the evidence submitted by the appellants in respect of the visual effect of the proposal, including the Photomontage Report, Cultural Heritage Assessment and the Assessment of Landscape and Visual Impacts. I also note that the proposal has been amended over the course of the application. However, based on what I have seen and read, the appellant's assessment underestimates the visual contrast between the mast and vertical features in the area and overestimates the effectiveness of screening and context provided by trees.
9. The proposed cabinets and bollards would add to clutter within the car park. However, this could be addressed through the use of a screening fence similar to that adjacent to the appeal site. Subject to an appropriate planning condition with regards to means of enclosure, the effect of the cabinets and bollards does not weigh against the proposal.
10. The appellant submits that the appeal proposal constitutes permitted development in respect of its height and that the principle of the development is not in question. However, this does not lead me to a different conclusion in respect of the harm arising from the siting and appearance of the proposal.
11. The National Planning Policy Framework (the Framework) sets out the Government's approach to communications infrastructure. It states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. However, where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. For a new mast, evidence should be provided to demonstrate that the appellant has explored the possibility of erecting antennas on an existing building, mast or other structure.
12. The appeal proposal would be a partial replacement for existing apparatus elsewhere which is no longer suitable for enhanced services. The scheme would contribute towards the Government's objective of supporting high quality

communications infrastructure and this should carry significant weight in favour of replacement apparatus in the wider area. That said, whilst the appellant has considered a number of alternative options, I do not consider that this is suitably robust particularly with regards to the consideration of harm arising from the appeal proposal and therefore the assessment of the relative sensitivity of other sites.

13. I conclude that the proposal due to its siting and design would lead to significant harm to the character and appearance of the area and the CA. Within the terms of the Framework the harm to the CA would be less than substantial. However, mindful of my concerns in respect of the assessment of the visual impact of the proposal and alternative sites, I do not consider that it has been demonstrated that the public benefits of the proposal in this location are sufficient to outweigh that harm.
14. The proposal would therefore be contrary to Policies HP2, HP3, TI5 and NE4 of the Harrogate District Local Plan 2020 with regards to the assessment of telecommunication infrastructure and the effect on heritage assets as well as the local distinctiveness and character of the area. The proposal would also be contrary to Policies A.1 and F.1 of the Ripon Neighbourhood Plan 2019 in respect of the consideration of sustainable development and the visual amenity of open spaces. The proposal would also conflict with the Framework with regards to conserving and enhancing the historic environment as well as achieving well-designed places. Furthermore, the proposal would not follow the advice of the CA Character Appraisal which seeks to protect the special qualities of the area.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

David Cross

INSPECTOR