
Appeal Decision

Site visit made on 5 October 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/X0415/W/20/3251233

Grass verge adjacent to Whielden Lane, Penn, Chiltern HP7 0HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 Telefonica (UK) Ltd against the decision of Chiltern District Council.
 - The application Ref PL/19/2964/RM, dated 22 August 2019, was refused by notice dated 21 October 2019.
 - The development proposed is the installation of a 15m mast with internal antennas, two dish antennas, one radio equipment cabinet, associated electricity meter cabinets and development works thereto.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. A further cabinet was proposed by amended plans that were submitted to the Council during the consideration of the application. This proposes a second cabinet towards the rear of the site. I have dealt with the appeal on the basis of the amended plans, which do not materially change the substance of the proposal and would not prejudice any party.

Planning Policy

4. The principle of development is established by the GPDO. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the development plan and the National Planning Policy Framework (The Framework) only in so far as they are material considerations where they are relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the proposed mast on the character and appearance of the highway and surrounding area. Furthermore, the issue is whether any harm caused is outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites.

Reasons

6. The appeal site is a roadside location and opposite a row of dwellings that form the edge of the village. Whielden Lane climbs a gradual gradient with Yew Tree Cottage adjacent to and slightly above the appeal site. The northern side of the highway is largely enclosed by field boundaries, consisting of low-lying hedges and occasional trees. The distant countryside can therefore be clearly seen beyond these field boundaries. Therefore, although adjacent to the edge of the village, the site is within a prominent and exposed setting. The site and its surroundings make a strong contribution towards the open rural character of the area. This also therefore makes a positive contribution to the Chiltern Hills Area of Outstanding Natural Beauty (AONB).
7. Paragraph 172 requires decisions to apply great weight to conserving and enhancing the landscape and scenic beauty of Areas of Outstanding Natural Beauty. The mast would be fully exposed to views from the highway, especially when travelling westwards. Furthermore, a large proportion of the mast would be seen over the top of the adjacent tree group when travelling from the opposite direction. Consequently, the mast would be a strident and stark addition to the streetscene in this prominent location.
8. The surrounding area does not have streetlights. The limited street furniture consists only of telegraph poles and a bus stop whose height, material and scattered distribution are seamlessly integrated into the local area. Whereas the proposed mast, due to its prominent location and height would be a dominant and discordant addition to the skyline and streetscene.
9. Furthermore, the public footpath to the west of Yew Tree House, provides access to the adjacent fields. Following a short walk along this path, this provides views of a wide panorama of the surrounding open countryside. In this context the tree group, adjacent to the appeal site, is pronounced. The proposal would be a feature of substantive height above this group. Consequently, the mast would not be viewed against existing built or natural features and would be seen as an isolated feature in the countryside. Accordingly, due to its siting, the proposed mast would be a highly visible incongruous addition within the wider landscape. This would therefore cause significant harm to the landscape and scenic beauty of the area.
10. The appellant's colour coded maps show a substantial gap in coverage in this area, especially in regard to 3G. Although the Framework states that the need for a mast should not be questioned, it can be a material consideration as in this case. There is a clear need in evidence for improved 3G coverage in the area which weights in favour of the proposal.
11. The Framework places importance on decisions that support the expansion of electronic communication networks. It also encourages the reuse and adaption of existing base stations. It states that new masts should be sympathetically

designed and should evidence the possibility of erecting antennas on an existing building, masts or other structures. This therefore establishes a sequential approach first favouring the reuse of existing sites. The evidence explains that there are no other existing masts, base stations or other structures that could be utilised to provide the required coverage within the defined search area. The evidence also shows that a small number of alternative sites were considered and eliminated due to land designations, viable development space and existing screening. However, this assessment appears to be insufficient based on the size of the gap in coverage and the limited number of alternative sites considered.

12. The site is relatively prominent. Although being partially screened from some views, the mast would stand far taller than the adjacent trees and local street furniture. Therefore, whilst some consideration has been made to the framing of the proposal, it would nevertheless be obtrusive in the street-scene. Furthermore, the limited evidence of alternative site assessment has not convincingly illustrated that a less obtrusive site exists. As such, despite the need for coverage in the area and the social and economic benefits associated with such an installation, these matters would not out-weight the substantial harmful visual effect of the mast.
13. Insofar as it is a material consideration, I have had regard to policy TD1 of the Local Plan. This states that telecommunication proposals would be considered in regard to the visual impact and prominence of the structure in landscape terms in balance with the need and demand for the service. This also requires development to have particular regard to the protection of outstanding landscape quality within the AONB. Various appeal decisions have been submitted in evidence. Although each case must be considered on its own merits, these decisions mostly found no harm or limited harm to the character and appearance of the area. Accordingly, these are of limited relevance to this proposal.
14. For the reasons given above, I conclude that the appeal should be dismissed.

Ben Plenty

INSPECTOR