
Appeal Decision

Site visit made on 30 August 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2020

Appeal Ref: APP/Y9507/W/20/3248945

Top of Dyke Road Avenue off A27, Brighton, BN1 5LF

- 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 (EE & H3G) against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/05608/FUL, dated 21 November 2019, was refused by notice dated 27 January 2020.
 - The development proposed was originally described as removal of an existing 10m streetworks monopole and 4 no equipment cabinets and replacement with a 20m high slimline tower supporting 12 no antenna apertures with the installation of 7 no ground based equipment cabinets and ancillary development.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect on the character and appearance of the area, which falls within the South Downs National Park.

Reasons

3. The site forms a verge next to a main road on the edge of a built-up area. In this context, the existing monopole is an anonymous, well disguised structure that sits amongst lampposts of a similar size. Both it and the ground level cabinets blend in with the immediate surroundings. Whilst the new cabinets would be an expected feature in this environment, the tower would not. At double the height of the existing monopole, it would dwarf the surrounding lampposts. It would also be wider and exhibit multiple apertures at a raised level, appearing alien and incongruous in relation to these surroundings.
4. The landscape features around the verge are of insufficient height to provide meaningful screening. As well as passing pedestrian and vehicular traffic, the tower would be visible from the adjacent café and outdoor eating area, and the residential development off Hilltop. Both fall in uncomfortably close proximity to the proposed tower, which would unduly dominate views from these areas. Furthermore, given its significant height, the tower is likely to be visible from the countryside beyond the A27 to the north. This is a protected landscape by virtue of its National Park designation, and the tower would intrude into southerly views from this area.

5. Cumulatively, there would be significant harm to the character and appearance of the area. The proposal also fails to conserve and enhance the natural beauty of the South Downs National Park. Of the various policies cited it specifically conflicts with policies SD4, SD5 and SD44 (b, c and d) of the South Downs Local Plan 2019, which require that new telecommunications infrastructure is of an appropriate design and minimises environmental impacts. I attach substantial weight to the harm that would arise, in consequence.

Planning Balance

6. The proposal reflects a need to upgrade the existing site, providing 5G infrastructure and improving existing coverage on a shared site. There are no more appropriate alternative sites in the search area, so if the appeal fails then an alternative solution would need to be found to meet demand, resulting in potential disruption. Support for 5G and the delivery of high-quality communications is a government objective, reflected in the National Planning Policy Framework ("the Framework") and also policy SD34 of the South Downs Local Plan. The proposal would result in economic and social benefits for both the City of Brighton and the South Downs National Park. These considerations weigh heavily in favour of the development.
7. However the Framework also states that communications equipment should be sympathetically designed and camouflaged where appropriate and that would not be achieved here. The harm to the character and appearance of the area is of a magnitude that outweighs the benefits of the proposal. Other appeal decisions are cited where Inspectors have permitted telecommunications development, in some cases acknowledging that proposed works would result in harm to the character and appearance of the area. However, in this case the identified harm is determinative.

Conclusion

8. The proposal conflicts with the development plan when considered as a whole and there are no other considerations, including national planning policy, that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR