The Planning Inspectorate

Appeal Decision

Site visit made on 5 October 2020

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03/11/2020

Appeal Ref: APP/W1905/W/20/3247328
Lamppost 405 Turnford Roundabout at Halfhide Lane, Turnford, Hertfordshire EN10 6NG

- 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 Ltd and Hutchinson 3G UK Ltd) against the decision of the Borough of Broxbourne Council.
- The application Ref 07/19/0733/F, dated 1 August 2019, was refused by notice dated 17 January 2020.
- The development proposed is a phase 7 monopole with wraproud cabinet at base and associated works.

Decision

1. The appeal is allowed and planning permission is granted for a phase 7 monopole with wraproud cabinet at base and associated works at Lamppost 405 Turnford Roundabout at Half hide Lane, Turnford, Hertfordshire EN10 6NG in accordance with the terms of the application Ref 07/19/0733/F, dated 1 August 2019, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the submitted details, including the following approved plans: 981172_BXB002_51031_EN0154_M001 Issue A with the titles 002, 003, 005, 100, 150, 215 and 265.

Procedural Matter

2. The Council's decision refers to Policy HD24 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005). However, in an email dated 30 October 2020 it confirms that the policy is now superceded, and that the new Local Plan does not contain any policies which replace it.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The proposed monopole and associated equipment would be prominently located next to a busy roundabout. Although there are residential properties to the south, they are largely hidden behind tall trees, and the area has a

predominantly commercial character, with a large hotel building to the north, and the A10 a short distance to the west.

5. The proposed monopole would be located alongside an existing telecommunications pole. Although it, and the proposed cabinets, would add to the amount of equipment and street furniture in the area, they would be set back from the footway on a spacious grass verge, and would not therefore result in an unduly cluttered appearance.

6. The proposed cabinets would be similar in size, form and colour to the existing cabinets. Although the proposed monopole would be taller and less slender than the nearby lampposts, its appearance would reflect their general form and verticality. Moreover, tall trees in the site's vicinity would, at least partially, screen the scheme in some views. It would not therefore appear out of place.

7. I have limited information regarding the existing monopole which would be retained, or whether the antenna mounted on it could be accommodated on this proposed monopole. However, I note that it also supports a streetlight, and its height and overall appearance is not dissimilar to nearby lampposts.

8. The National Planning Policy Framework ('Framework') sets out at paragraph 112 that decisions should support the expansion of electronic communications networks, including 5G technology, as would be the case here. However, it continues at paragraph 113 that the number of radio and electronic communications masts, and the sites for such installations, should be kept to the minimum consistent with the needs of consumers, the efficient operation of the network, and providing reasonable future capacity.

9. In this case, H3G and EE Ltd have a network sharing agreement, and I understand that due to signal demands, and the impact on the wider network, the equipment is required at this height, and within 100m of this location. Whilst the Council refers to the possibility of siting it closer to the A10 flyover, I have no detailed evidence of that, or any other suitable alternative locations. Given that conclusion, and the stance in the Framework, this weighs in favour of the proposal.

10. For the above reasons, I conclude that the scheme would not cause significant harm to the character and appearance of the area.

Conditions and Conclusion

11. Turning to the matter of conditions, I have imposed the standard time limit condition. In the interests of certainty, a condition is also necessary requiring that the development be carried out in accordance with the approved plans, and the submitted details, which include a Declaration of Conformity with ICNIRP Public Exposure Guidelines.

12. Drawing no. 005 shows how a cherry picker/crane would be parked on the highway. However, whilst these are busy roads, and I have considered the County Council's representation, I have no cogent evidence to conclude that disruption during construction and for maintenance would be significant or anything other than short-lived. Framework paragraph 55 states that conditions which are required to be discharged before development commences should be avoided unless there is clear justification. Having regard to the limited evidence available, I am not persuaded that the suggested pre-

commencement condition requiring the submission of a method statement detailing traffic management measures is necessary.

13. For the above reasons, I conclude that the scheme would not significantly harm the character and appearance of the area. Consequently, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR