



Appeal Decision

Site visit made on 8 October 2020

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11/11/2020

Appeal Ref: APP/Y3615/W/20/3253076

Land South East of Ripley Road, East Clandon, Guildford GU4 7SH

- 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 Guildford Borough Council.
 - The application Ref 20/P/00247 dated 10 February 2020, was refused by notice dated 6 April 2020.
 - The development proposed is described as the installation of a 30m high telecommunications Swann Lattice mast with three antennas, two 0.6 dishes, two ground-based equipment cabinets, six Remote Radio Units and ancillary development thereto to be installed within a compound with a 2.1m high palisade fence.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form describes the proposal using the abbreviation 'RRUs' in the interests of clarity I consider that the Council's amended description does accurately describe the appeal scheme and accordingly I have adopted the amended description in the heading above.

Main Issue

3. The main issues in this appeal are:
 - i) whether the proposal would constitute inappropriate development in the Green Belt
 - ii) the effect on the development on the character and appearance of the area, and
 - iii) whether, in the event that the development is deemed inappropriate, any other material considerations advanced in support of the development are sufficient to clearly outweigh any harm to the Green Belt, and any other harm, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. Policy P2 of the Guildford Borough Local Plan: strategy and sites 2015 – 2034 (2019) (the Local Plan) endorses the National Planning Policy Framework

(2019) (the Framework) which identifies forms of development which are considered not inappropriate in the Green Belt.

5. Paragraph 145 of the Framework relates to buildings, a term defined in section 336 of the Town and Country Planning Act (1990) to include any structure or erection, and any part of a building, as so defined. The proposed development fixed to the ground has a degree of permanency and would be a structure or erection and therefore could reasonably be regarded as a building for planning purposes.
6. The proposed development does not fall within any of the exceptions listed within the Framework. Consequently, in not complying with any of the listed exceptions, the proposal would be inappropriate development in the Green Belt. According to paragraph 143 of the Framework this is, by definition, harmful to the Green Belt, and should only be approved in very special circumstances.
7. There is conflict with Policy P2 of the Local Plan which amongst other things seeks to protect the Green Belt from inappropriate development. The proposed development would also be contrary to the Framework which also seeks to protect the Green Belt from inappropriate development, preserve its openness and permanence.

Character and Appearance of the Area

8. The proposed development includes a 30m lattice tower set against the backdrop of mature trees of a lower height. The appeal site is within private land adjacent the railway line. The ground level apparatus and compound would not be clearly visible from public vantage points; however, the lattice tower would be visible above the tree canopy.
9. I have carefully considered the development and found that because of the scale, design and locational backdrop, the inherent spatial and visual effects arising from the development would moderately harm the overriding sense of openness. My findings are that the proposal would not preserve the openness of the Green Belt and would introduce an incongruous feature into the rural area causing harm to the character and appearance of the area. There would be conflict with Policy D1 of the Local Plan which amongst other things seeks to ensure developments respond to local landscape character. There is also conflict with the Framework which seeks to ensure developments are sympathetic to the landscape setting.

Other Considerations

10. The proposed development seeks to improve network coverage in the area, specifically to the adjacent railway network. The Appellant confirms that the site would form part of the 4G Emergency Services Network (ESN) currently being rolled out. This would weigh in favour of the appeal scheme to a considerable degree, however substantive evidence has not been provided to support the inclusion of this site in the ESN plans.
11. I note the appellant has carried out a site selection process which has considered alternative new sites. New sites were discounted due to potential visual effect, effect on tree roots, potential issue with network coverage and unviability in terms of provision of fibre transmission link or permanent electricity supply. However, the absence of any substantive details to support

the discounting of these potential alternative sites prevents any assessment of the comparative visual and environmental effects, network coverage and necessary associated works with the appeal site. Therefore although the site selection process favours the proposal, I only give it moderate weight, whilst there may be a locational need for the proposed development I am not satisfied that a less harmful and acceptable alternative site or design could not be found.

12. The appellant has confirmed that the proposal has been designed to comply with the International Commission on Non-Ionizing Radiation Protection. However, an absence of harm in these matters is a neutral factor.

Other matters

13. I note the concerns raised by the Appellant in terms of the Council's handling of the application, with regard to the comment made during pre-application consultation. Nonetheless, even if I were to agree with the Appellant this procedural concern would not justify allowing the proposal.

Conclusion

14. The appeal scheme would be inappropriate development in the Green Belt which is harmful by definition. It would also result in harm to the openness of the Green Belt, and to the character and appearance of the area. According to the Framework, substantial weight has to be given to any harm to the Green Belt.
15. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist, and the proposal would conflict with the Framework and Policy P2 of the Local Plan.
16. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR