



Appeal Decision

Site visit made on 9 November 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/Y9507/W/20/3256228

Chilgrove Farm, Old West Dean Road, West Dean PO18 9HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 EE Ltd against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/01745/PA16, dated 29 April 2020, was refused by notice dated 12 June 2020.
 - The development proposed is 17.5m pole with 3 antennas in a shroud painted Bitter Chocolate BS4800, 3 cabinets painted Fir Green, electric meter cabinet painted Fir Green, two 0.3m dishes all within a fenced compound with mixed hedge planting scheme.
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Decision

1. The appeal is allowed and planning permission is granted for 17.5m pole with 3 antennas in a shroud painted Bitter Chocolate BS4800, 3 cabinets painted Fir Green, electric meter cabinet painted Fir Green, two 0.3m dishes all within a fenced compound with mixed hedge planting scheme at Chilgrove Farm, Old West Dean Road, West Dean, PO18 9HU in accordance with the terms of the application, Ref SDNP/20/01745/PA16, dated 29 April 2020, and the plans submitted with it.

Procedural Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original planning application form.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.

Planning Policy

4. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. 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 a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the South Downs National Park (the National Park).

Reasons

6. The appeal site is located on private land to the east of Chilgrove Farm and Chilgrove Business Centre and is around 500 metres north east of the B2141. It is sited some distance away from public highways and public rights of way. The site lies within the National Park which in this area is characterised by undulating agricultural fields and areas of woodland.
7. The development would be well beyond the buildings within the farm and business centre complex in an elevated location at the edge of a field close to a private access track, which is lined with well-spaced trees. The site is relatively well enclosed by virtue of a large wooded area (Ham Wood) located approximately 50 metres to the south east and a smaller wooded area located further away to the south west.
8. The proposed mast would be a slim pole, 30 cm in diameter and 17.5 metres in height. It would host three shrouded antennas and two external dishes. It is acknowledged that the mast would introduce an artificial feature into the National Park. However, owing to its slimline design and 'bitter chocolate' colour the mast would appear as a subtle vertical element not significantly out of keeping within the backdrop provided by the trees and the wooded areas.
9. Within some local views from the public domain the mast would be perceptible. However, while it would be a tall and straight feature, it would not particularly draw the eye, owing to its thinness. In this regard, the mast would not be a visually dominant feature. Due to the distances involved and changes in elevation, the mast would not substantively impact on glimpsed views from local public rights of way and roads, especially in the context of the wooded ridgelines and the trunks of surrounding trees. Thus, it would not have a detrimental effect on the pleasantness of the views.
10. The proposal would include the installation of 'fir green' painted equipment cabinets, sited within a compound enclosed by 1.2 metre high post and rail fencing. The compound would incorporate a hardstanding area and would include screen planting using native species on three sides.
11. In combination with the mast the equipment cabinets and hardstanding would have an adverse effect on local landscape character in the context of the undulating agricultural fields and areas of woodland. However, the effect would be minor and localised, and would be limited through the introduction of the proposed native species planting.

12. While the mast would be perceptible, due to their scale, the intervening landform and areas of woodland, the equipment cabinets would not be visible in most local views. At locations where the site is visible, including from the bridleway along Chilgrove Hill to the west, due to the distances involved and the surrounding woody vegetation, the 'fir green' colour of the cabinets and the proposed planting would serve to visually diffuse and camouflage the outline of the equipment cabinets within the view.
13. The Authority's reason for refusal includes concern that opportunities for mast sharing or alternative siting in a less prominent location have not been satisfactorily explored by the appellant; interested parties have also raised similar concerns. The appellant indicates that should the appeal be dismissed, in order to provide the required coverage that could be provided from the appeal site, at least two other sites would be required. Based on previous and ongoing analysis of alternative options such an approach, in the view of the appellant, is unlikely to have less landscape impacts. However, given that I consider that the proposed site is itself acceptable, it is unnecessary to address the merits of alternative sites.
14. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. Although the mast would be a noticeable man-made feature, for the reasons outlined above, both the mast and the equipment cabinets would not cause any significant harm to the character and appearance of the rural landscape. Whilst no significant harm would therefore be caused to the landscape and scenic beauty of the National Park, the limited visual effects would themselves be clearly outweighed by the significant public benefits of the proposal in terms of the emergency services coverage to the immediate area, the B2141 that passes through Chilgrove and a number of other roads in the area. The development would also provide benefit in terms of new 4G coverage for commercial customers in the area.
15. For the reasons outlined above, I conclude that the siting and appearance of the development would not cause significant harm to the character or appearance of the National Park. In so far as they are a relevant material consideration, I also conclude that the proposal would be in accordance with Policies SD4, SD5 and SD44 of the South Downs Local Plan (2014-33) which collectively, amongst other things, seek to ensure development proposals for new telecommunications infrastructure are of an appropriate design that would not have an adverse impact on the special qualities of the National Park.

Other Issues

16. Interested parties have objected to the proposal, and I have taken these submissions into account. Many objections relate to matters of siting and appearance, which I have considered above. Objectors also argue that the development is not needed for several different reasons, including that there is already existing network coverage in the area which is enough for the small local population and visitors. However, the reasons put forward do not amount to a significant assessment to contest the need for the proposal. In any event, paragraph 116 of the Framework states that local planning authorities must determine applications on planning grounds only.

17. Concerns have been raised about the potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conditions

18. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
19. The Authority has suggested a number of planning conditions. However, the GPDO 2015 does not provide any specific authority for imposing additional conditions beyond the deemed conditions mentioned above. In this regard the Authority's suggested conditions cover the same ground as those within the GPDO 2015, except in so far as the suggested requirement to submit details of the colour and finish of the mast and cabinets and the proposed screen planting. I am however satisfied that these are an unnecessary requirement, because the details submitted with the application indicate screen planting to 3 sides of the compound using suitable native species and indicate that the mast would be galvanised steel and painted 'bitter chocolate' and the cabinets painted 'fir green'. In any event, in terms of the proposed colour schemes, I have not been presented with any evidence to indicate that they would not be acceptable in the context of the rural location of the site. Consequently, I have not imposed those suggested conditions.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Andrew Bremford

INSPECTOR