
Appeal Decision

Site visit made on 6 October 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2020

Appeal Ref: APP/Y3615/W/20/3255029

**Thornet Wood Stables, Lower Farm Road, Effingham, Leatherhead
KT24 5JG**

- 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 Ltd against the decision of Guildford Borough Council.
 - The application Ref 20/P/00480, dated 16 March 2020, was refused by notice dated 4 June 2020.
 - The development proposed is the installation of 1No. 27.5m high Swann 30H lattice tower, with 3No. antennas, 2No. 0.6m dishes, 2No. ground-based equipment cabinets, and ancillary development thereto. Installed on a 10.0m x 10.0m compound within 1.8m high chain-link fence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt having regard to the *National Planning Policy Framework 2019* (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and
 - If the proposal would be inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. It is proposed to erect a 27.5 m high lattice tower telecommunications mast with attached antennas and dishes, and associated ground level compound, equipment cabinets and fencing on private land used as a pony paddock at Thornet Wood Stables.

Whether Inappropriate Development in the Green Belt

4. A 'building' is defined in section 336 of the Town and Country Planning Act 1990 (as amended) to mean any structure or erection. The proposal is

therefore a building. I am not persuaded by the appellant's opinion that it comprises an 'engineering operation' as a result of engineering input with regards to the foundations, wind load and structural capacity of the structure. I have come to this view because the proposal would not change the physical nature of the land.

5. The Framework defines the construction of new buildings as inappropriate development in the Green Belt, other than in respect of a limited range of specified exceptions, as set out in Paragraph 145. Although the appellant asserts that the proposal supports the types of activities considered by the Framework to be appropriate within the Green Belt by providing mobile connectivity, no case has been submitted that claims the proposal specifically falls within any of these exceptions. I have found no reason to believe that the proposal would meet any of the exception criteria of Paragraph 145.
6. For the above reasons, the proposal fails to comply with any of the exceptions set out under Paragraph 145 of the Framework, and would therefore represent inappropriate development in the Green Belt. Under the terms of Policy P2 of the *Guildford Borough Local Plan: Strategy and Sites 2015 – 2034* (2019) (the Local Plan) and the Framework, the development should not be allowed unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Openness

7. The appeal site is distinctly separate from the closest areas of built residential development and from the railway line. It is set within a context of open countryside comprising fields with boundary trees and hedging. The proposal would result in the loss of spatial openness through the introduction of a mast and associated equipment cabinets and a compound, which would cover currently undeveloped grassland with built development.
8. Although the proposal would be sited close to a landscaped boundary comprising hedging and several trees, this would only partially screen the development. The height of the proposed lattice tower means that it would markedly project above the boundary landscaping and adjacent open fields. Other boundary trees around the appellant's land are sited too remotely from the proposed development to provide effective screening to the proposal. No detailed analysis has been provided by the appellant to demonstrate how the proposal would appear in key views from its surroundings. However, following my site inspection, I find that the tower would be readily apparent in views from the nearby public footpath and from passing trains, given the proximity of the railway line.
9. Consequently, the proposal would lead to a loss of spatial and visual openness. As such it would fail to safeguard the countryside from encroachment, one of the 5 purposes of the Green Belt, and would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

Any Other Harm - Character and Appearance

10. The visually prominent and utilitarian appearance of the lattice tower would detract from the rural context of the site and its immediate surroundings of open fields, trees and hedges. It would represent a stark and incongruous intrusion of built development of a height and scale which would be noticeably greater than those of the closest trees. I am not persuaded that the visual impact is sufficiently minimised by the light permeable lattice design, since the structure would nonetheless be bulky in appearance, and this would be compounded by the antennae and dishes at the top. Furthermore, I am not persuaded that the visual impacts arising from the design, height and siting of the structure could be overcome by using a zinc galvanised or other colour finish.
11. I have noted that there is a required minimum tower height, and locational requirements in relation to the railway and surrounding topography and landscaping, in order to achieve the appellant's technological objectives in respect of the proposal, and that the appellant has investigated other possible locations within the vicinity of the appeal site. However, this does not justify the harm I have identified in respect of the design and siting of the appeal scheme.
12. For the above reasons, I conclude that the proposal would harm the character and appearance of the area. As such, it would be contrary to Local Plan Policy D1, which, amongst other things, requires new development to achieve a high-quality design that responds to the distinctive local character (including landscape character) of the area in which it is set. For similar reasons, the proposal would be contrary to Chapter 12 of the Framework which seeks to ensure high quality design.

Other Considerations

13. I am mindful that Paragraph 112 of the Framework supports the expansion of electronic communications networks including next generation mobile technology (such as 5G), and considers that advanced, high quality and reliable communications infrastructure is essential for economic growth and well-being. The Council do not contest the appellant's claims that the proposal would improve the coverage and quality of telecommunications by providing coverage to part of the nearby railway line to enable EE customers to access 2G voice and 3G/4G (and eventually 5G) data, and train operating companies meet their obligations to the Department for Transport (DfT) in respect of customer WiFi provision. The proposal would also provide enhanced coverage to the wider area, including businesses, residents and visitors. The appellant has also drawn my attention to several government documents highlighting the economic and social importance of high-quality digital connectivity. Consequently, I attach significant weight to the economic and social benefits of the proposal.
14. The appellant has stated that the proposal would form part of the new 4G Emergency Services Network (ESN) and has highlighted the national importance of the ESN. I have not been provided with any evidence to demonstrate the significance of the proposed development within this context, or that there is a specific need or demand for the proposal to meet a deficiency in the ESN. I therefore give this argument little weight.

15. The appellant states that radio masts, including to heights greater than that of the proposal, have been installed near railway lines, as permitted development by Network Rail, and also that telecoms developments which are similar to the appeal scheme are located within the Green Belt 'up and down the country'. I have not been provided with any specific details of such developments and in any case, I must determine the current appeal on the particular merits of the proposal before me, and this matter therefore has no effect on my assessment of the proposed development.
16. The appellant refers to The Town and Country Planning (General Permitted Development Order) (England) 2015, stating that the principle of a lower height telecommunications mast within Green Belt land would be acceptable. However, no specific scheme has been submitted as a fallback position to the appeal proposal. In any case, from the evidence provided, it would appear likely that any permitted development rights scheme would cause less harm to the openness of the Green Belt compared to the appeal proposal. As such, I attach only limited weight to a possible fallback position in my assessment of this appeal.
17. The scheme would comply with ICNIRP guidelines in respect of health and safety. However, acceptability in this regard is a neutral factor that does not weigh in support of the proposal.

Planning Balance

18. The appeal scheme represents inappropriate development in the Green Belt as defined by the Framework, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances only exist where the harm, by reason of any inappropriateness and any other harm, is clearly outweighed by other considerations. Government policy dictates that, in carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.
19. As well as harm by reason of inappropriateness, the development would cause a loss of spatial and visual openness, thereby adversely impacting on one of the essential characteristics of the Green Belt. Also, the proposal would harm the character and appearance of the area, to which I afford considerable weight.
20. Whilst attaching significant weight to the economic and social benefits of the proposal, I conclude that these, and all other considerations cited in support of the proposal would not clearly outweigh the substantial harm the development would cause to the Green Belt and the harm to the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development would conflict with Local Plan Policy P2, which aims to protect the Green Belt against inappropriate development, and Chapter 13 of the Framework.

Conclusion

21. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR