



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: 26 November 2020

Appeal Ref: APP/Y9507/W/20/3257417

Church Farm, Stoughton Dairy, Wildham Lane, Stoughton PO18 9JQ

- 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/20/01881/PA16, dated 11 May 2020, was refused by notice dated 7 July 2020.
 - The development proposed is mast, antennas and cabinets.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of mast, antennas and cabinets at Church Farm, Stoughton Dairy, Wildham Lane, Stoughton, PO18 9JQ in accordance with the terms of the application Ref SDNP/20/01881/PA16, dated 11 May 2020, and the plans submitted with it.

Procedural Matter

2. I have also dealt with another appeal¹ for a proposed mast together with associated equipment on a separate site at Church Farm. That appeal is the subject of a separate decision.
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.

¹ Appeal reference: APP/Y9507/W/20/3257416

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 land at Church Farm, approximately 300 metres east of the village of Stoughton. The site lies within the National Park which in this area is characterised by an agricultural landscape with large open fields defined by remnant hedgerow boundaries within the valley floor, giving way to wooded margins on the upper slopes of the valley sides.
7. There is a group of farm buildings in proximity to a public right of way (Monarch's Way). The development would be sited adjacent to the north west corner of the westernmost barn that forms part of the group of buildings and approximately 40 metres south of the public right of way. The proposed mast would be a 14.97 metre high slim pole that would host 3 antennas within a shroud and one 300 mm diameter dish. The proposal would also include two equipment cabinets. An existing 2.5 metre high earth bund, located along the west elevation of the barn, would be cut into and retained with gabion walls. The development would be sited within the space between the gabion walls and the western elevation of the barn and behind a 1.8 metre high close boarded fence.
8. The development would introduce a tall man-made feature and other artificial structures into the National Park. This would have an adverse effect on the character of the agricultural landscape in the context of the open fields and wooded areas on the upper slopes of the valley sides. The effect would though be minor given the established functional character of the complex of agricultural buildings within the wider setting of the site.
9. As a result of the fact that it would be around twice the height of the adjacent barn the 'bitter chocolate' painted mast would be noticeable in localised views from Monarch's Way. However, owing to the siting of the development, the not insubstantial bulk of the large modern farm buildings and the proximity of an existing tall transformer pole, which provides a visually strong vertical element, the mast would not represent an overly prominent or jarring feature when viewed from Monarch's Way. It is acknowledged that vertical structures such as the proposed mast are not a common feature within the surrounding landscape. Moreover, the mast would protrude above the adjacent barn. However, owing to its thinness the mast would not represent a bulky feature in the context of the physical built form and backdrop afforded by the farm buildings. Thus, in landscape terms, the mast would not introduce a significant visual disturbance to the existing scene.
10. The earth bund, adjacent barn and tall close boarded fence would to a great extent screen the proposed equipment cabinet in views from Monarch's Way and other public rights of way. Consequently, no significant harm would be caused to the rural landscape in visual terms.
11. In longer distance views from Monarch's Way and in views from the bridleway to the north of the site and from Wildham Lane the mast would be perceptible only as a minor element within the context of the composition of the farm

- complex. Moreover, it would likely be missed by the casual observer considering that the focus would be on the distinct topography viewed from the valley floor shallower slopes towards the distant skyline with dense woodland on the upper steeper slopes.
12. 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. The Authority states that it has proactively engaged with the appellant in researching other locations for the mast that still meets the appellant's operational requirements and, in this regard, positive progress has been made in identifying an alternative location. However, given that I consider that the proposed site is itself acceptable, it is unnecessary to address the merits of alternative sites.
 13. 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.
 14. Although the mast would be a noticeable man-made feature, for the reasons outlined above, it 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. This would be in terms of the emergency services coverage to the road through Stoughton as well as the village itself and parts of Walderton, the B2146 and surrounding countryside. 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 SD1, 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.

Conditions

16. 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.

Conclusion

17. As noted above in paragraph 2, I have also dealt with another appeal for a proposed mast and associated equipment on a separate site at Church Farm. I have not had to have regard to the possible impact of two masts in proximity to each other as I am dismissing the other proposal for the reasons set out in that appeal decision.
18. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Andrew Bremford

INSPECTOR