



Appeal Decision

Site visit made on 17 November 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2020

Appeal Ref: APP/Q3630/W/20/3254416

Whitehall Farm, Stroude Road, Stroude, Egham TW20 9TP

- 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 Runnymede Borough Council.
 - The application Ref RU.20/0428, dated 13 February 2020, was refused by notice dated 15 May 2020.
 - The development proposed is the installation of a 27.5m high telecommunications Swann Lattice mast with 3no. antennas, 2no. 0.6m dishes, 2no. ground-based equipment cabinets, 6no. RRUs and ancillary development thereto. Installed within 8.0m x 6.0m compound with a 2.1m high palisade fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the determination of the appeal application, the Council adopted the Runnymede 2030 Local Plan (RLP) in July 2020, with saved policies of the 2001 Local Plan now being superseded. Policies EE1, EE18 are now relevant to this appeal in respect of the Green Belt. The Council have confirmed that Policies MC6 and MC7 of the Surrey Minerals Plan 2011 have not been superseded and therefore still form part of the development plan. I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (The Framework) and development plan policy;
 - The effect of the development upon the openness of the Green Belt;
 - The effect of the development upon the protected minerals site; and
 - If the development is inappropriate, whether the 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

Whether or not the development would be inappropriate

4. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 145 of the Framework regards the construction of new buildings as inappropriate in the Green Belt unless the building falls into one of the listed exceptions. For the purposes of the Act¹, the term 'building' includes any structure or erection. Telecommunications development is not included within the list of exceptions. Other forms of development that are also not inappropriate are listed in Paragraph 146, however the proposal does not fall into any of these categories either.
5. Consequently, the proposed development should be regarded as inappropriate development in the Green Belt. Paragraph 144 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Openness

6. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development rather than being primarily about visual effects.
7. The appeal site comprises part of an open, undeveloped agricultural field. The proposal would introduce built development into a location where currently none exists. As a result, the proposal would harm the openness of the Green Belt and conflict with the Framework. However, the footprint of the development is small and, due to its design, some views would still be possible through the equipment. Therefore, whilst the proposal would harm the openness of the Green Belt, the harm caused would be limited.

Minerals safeguarding

8. The appeal site is allocated under Policy MA2 as a Preferred Aggregates Site in the Surrey Minerals Plan Primary Aggregates Development Plan Document. Policy MC6 of the Surrey Minerals Plan 2011 identifies that proposals should seek to prevent sterilisation of resources by other developments. Paragraph 203 of the Framework identifies that the maintenance of a sufficient supply of minerals is essential for the economy. Minerals are a finite resource and can only be worked where they are, therefore, best use needs to be made of them. Locations should not be sterilised by non-mineral development.
9. In comparison to the size of the Preferred Aggregates Site, the appeal site is small in area. The development would be temporary in nature, requiring little in the way of permanent foundations. An access track would be required, but

¹ s336 of the Town and Country Planning Act 1990

again, this would be unlikely to involve any substantial engineering works. Its position within the allocation, would however result in land around the installation needing to be available to maintain access for personnel, but also any required utilities, in particular an electricity supply. Therefore, notwithstanding the nature and size of the development, the proposal would result in the sterilisation of a small portion of the allocated Aggregates Site.

10. Reference is made by the appellants to the potential for a 'lift and shift' clause to be included within the lease agreement with the landowner, however no evidence is provided in this regard.
11. For the above reasons, I therefore conclude that the proposed development would harm the Preferred Aggregates Site and, in this regard, would be contrary to Policies MC6 and MC7 of the Surrey Minerals Plan 2011 and the Framework.

Other considerations

12. Paragraph 112 of the Framework says that advanced, high quality communications infrastructure is essential for sustainable economic growth and that the development of communications networks also plays a vital role in enhancing the provision of local community facilities and services.
13. The appellant submits that the adjoining railway line has extremely poor network coverage and the proposed installation would provide significantly improved coverage for a part of the route. The appellants have also identified that the site would form part of the new 4G Emergency Services Network. The development would therefore have an acknowledged economic and social benefit.
14. The appellant has considered a number of other sites. However, these have all been discounted by the appellant for reasons of having a greater visual impact; adverse impact upon nearby heritage assets; restricted coverage and access due to tree cover and technical difficulties in relation to installation. The Council however disputes these findings, considering that insufficient information has been provided in relation to two of the sites, where they have been discounted on technical reasons, but without adequate information to support this decision. One of these sites is an existing telecommunications installation, located adjacent to the railway line. Further representations have also been received from third parties raising similar issues.
15. Paragraph 113 of the Framework requires new equipment to be kept to a minimum, with Paragraph 115 requiring evidence to justify a new mast or base station, including the possibility of erecting antennas on an existing building, mast or other structure. In this respect, I do not consider that the evidence before me with regards to alternative locations, in particular the potential to use the existing installation, is sufficient to adequately justify that all potential alternatives to meet the identified need have been explored. In this case therefore, I cannot rule out the possibility that an alternative site, outside of the Green Belt, might yet be found to address the Council's concerns.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances

16. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be accorded substantial weight. In addition, limited harm would result from the reduction in the openness of the Green Belt. These matters weigh against the proposal.
17. On the other hand, the Framework states the importance of high-quality communications infrastructure in respect of the economy and community. The appellant has demonstrated the need for the installation and I therefore accord the public benefits of the proposal substantial weight.
18. With regards to potential alternative locations, based on the evidence before me, there would appear to be a number of locations where it is not possible to fully discount them as being able to meet the identified need. It is possible that further investigations may well rule out these alternative locations. However, given the national importance attached to protecting the Green Belt, without sufficient evidence to demonstrate that the appeal site is the most suitable alternative to serve the need, combined with the impact upon the minerals safeguarded area, this weighs against the proposal.
19. Furthermore, I note that the Council raise no other issues in relation to ecology, highways, flooding and impact on neighbouring occupiers, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.
20. I conclude that, when taken together, whilst the public benefits of the proposal would weigh in favour of the development, this does not clearly outweigh the harm to the Green Belt and would therefore not amount to very special circumstances sufficient to justify permitting the proposal.

Conclusion

21. For the above reasons, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR