



Appeal Decision

Site visit made on 15 December 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2021

Appeal Ref: APP/F3545/W/20/3254867

Grass Verge to the West of Bury Road, Whepstead, Suffolk IP29 4TR

- 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.
 - The appeal is made by Harlequin Group (Cornerstone Ltd) against the decision of West Suffolk Council.
 - The application Ref DC/19/2224/TE1, dated 11 November 2019, was refused by notice dated 6 January 2020.
 - The development proposed is described as "the installation of 1 No. 12.5m high Elara pole (colour Fir Green RAL 6009), supporting 3No. antennas with a 580mm diameter shroud on root foundation. 2No. 300mm diameter dishes to be installed on the pole at 7.5m and 1No GPS module to be mounted to the top of the pole shroud. The installation of 2No. Lancsater ground based cabinet (1898mm x 798mm x 1648mm) coloured Fir Green RAL 6009, and 1No. TEF SFMC160 power pillar (655mm x 264mm x 1015mm), coloured Fir Green, RAL 6009, installed to the north and south of the pole".
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal concerns a proposed telecommunications development that was refused prior approval by the Council under the terms of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). Within certain limits the GPDO grants permission for the development of telecommunications equipment subject to a prior approval procedure. The GPDO makes it clear that the relevant issues to consider when assessing applications of this type are the siting and appearance of the proposed development.
3. As a consequence, I consider the main issue to be the effect of the siting and appearance of the proposed development on the character and appearance of its surroundings, including the effect of the development on the setting of the Whepstead Conservation Area (WCA).

Reasons

4. The appeal site lies outside of, but immediately adjacent to, the WCA. Annex 2 of the National Planning Policy Framework (the Framework) confirms that the significance of an asset derives not only from its physical presence, but also from its setting, which it defines as the surroundings in which a heritage asset

- is experienced and that its extent is not fixed and may change as the asset and its surroundings evolve.
5. The appeal site itself forms part of a grassed verge and is located some 25m north of the junction of Bury Road and Church Road. The verge is quite wide and contains a row of trees with a large gap between each tree. Telegraph poles are also visible either side Bury Road, one of which is sited within the group of trees that are located on the road junction. The core of the village lies to the south of the appeal site and I find the significance of the WCA at this location to derive from its open and pastoral character.
 6. The proposal seeks to erect a 12.5m mast and associated equipment cabinets on the site which would be installed adjacent to the first tree located on the verge from the junction of Church Road. Although the proposed mast would not be visible in long distance views, it would be highly prominent in closer views around the junction of Church Road and the approaches along Bury Road.
 7. I acknowledge that there are telegraph poles and trees in the vicinity of the appeal site. However, at 12.5m the mast would project above the verge tree it would be positioned adjacent to. The associated cabinets at its base would further accentuate the visibility of the mast and whilst the backdrop of a tree on the verge and those on the junction of Church Road may lessen the perceived scale of the mast when viewed from the north, they would have little screening benefit in the immediate context due to the mast's siting within the open highway verge rather than amongst trees.
 8. As a result, the mast and equipment cabinets would appear as obtrusive features from the south and from Bury Road, even allowing for the screening effect and backdrop provided by trees. I am also mindful that painting the mast an appropriate colour would not make the visual impact of the scale and functional appearance of the mast acceptable in this particular location, and that the screening benefits of trees would be significantly diminished when they are not in leaf.
 9. I therefore conclude that the siting and appearance of the development would have a significant adverse visual effect, and as such, would not preserve the setting of the WCA. It would be contrary to Policies DM2, DM9 and DM17 of the West Suffolk Council Joint Development Management Policies Document 2015, insofar as they require development proposals to be appropriate to their context and to conserve, and enhance the historic value and significance of West Suffolk's heritage assets.
 10. I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the WCA. For the reasons set out above, the proposal would be of harm to the significance of the WCA. Whilst the harm from this proposal would be less than substantial, it is necessary that I weigh this harm against the public benefits. However, although the harm is less than substantial, it should not be treated as a less than substantial objection to the proposal.
 11. The appellant argues that the site lies within the periphery of the WCA and is not within clear visual context of any listed building. Whilst that may be the case, the appeal site is nonetheless adjacent to the WCA and, in accordance

with paragraph 193 of the Framework, great weight must be given to the asset's conservation.

12. I recognise the importance of good, fast, reliable, and cost-effective communications. Moreover, there is no question that the equipment is required to achieve the necessary standard of network coverage, or that the mast's dimensions are the minimum possible. Weight has been attached to all these matters. I have also balanced the proposal against the public benefits that would ensue, particularly since the Covid-19 pandemic which has seen an increased reliance on such services, the lost coverage within the area, technical constraints, and furthermore I fully appreciate the significance of the telecommunication industry in its role to grow the economy. The discounted sites, its appearance within the street scene as well as the other evidence presented together with the justifications put forward by the appellant, have all been given due regard in my assessment. However, despite the evidence presented, bringing all these factors together, the harm I have found that would arise to the character and appearance of the area and the setting of the WCA does not weigh in favour of the proposal for prior approval.

Other Matters

13. The appellant has referred to other appeal decisions relating to telecommunications development in support of its case and the balancing exercise that was undertaken when reaching a decision. However, the particular cases are not comparable to the development before me as they were either close to other buildings and structures such as the Earby, Swan Inn and Lower Central Avenue decisions¹ or were deemed to have limited public visibility such as the Lodge Farm, Bennah Farm and Steepton Bill Farm appeals². In any event, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.
14. I am also mindful of the cost's decision³ that the appellant has referred to and the award that was made on the basis that the Council had made only a cursory reference to the public benefits of the telecommunications development. In this particular case, it would appear that the Council had also failed to expand upon those matters which would weigh in favour of the development. I also note the comments from the appellant regarding the failure of the Council to refer to its "proactive approach" to decision making. While acknowledging the frustrations the appellant refers to, they do not alter my findings on the substantive matter before me.

Conclusion

15. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR

¹ APP/E2340/W/17/3176499, APP/P0119/W/17/3182467 and APP/K6920/A/18/3197360

² APP/J1535/W/17/3183040, APP/J9497/W/17/3187857 and APP/N1215/W/17/3191083

³ APP/G5180/W/16/3151769