



Appeal Decision

Site Visit made on 20 April 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2021

Appeal Ref: APP/Y9507/W/20/3262210

Telecommunications Site 74561, Station Road junction with Riverside Close, Liss GU33 7AF

- 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 Everything Everywhere Limited against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/03062/PA16, dated 21 July 2020, was refused by notice dated 16 September 2020.
 - The development proposed is installation of 1 no 17.5m monopole with 2 no 300mm dishes, 2 no equipment cabinets and associated ancillary works thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal follows a decision by the Council not to grant prior approval for the siting or appearance of a development that would otherwise be permitted under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The principle of the development is therefore established, and the scope of this appeal is limited to the effects of its siting and appearance.
3. For telecommunications development, the provisions of the GPDO do not require regard be had to the development plan. However, 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.
4. During the application process, the Authority queried the dimensions of the proposed cabinet. The appellant has confirmed that the dimensions were incorrectly listed as having a volume of 2.775 cubic metres which would have exceeded the 2.5 cubic metres permitted for a single development. The appellant has confirmed that based on the correct dimensions, the cabinets would have a volume of 2.475 cubic metres. I have proceeded on that basis.

Main Issue

5. The main issue is the effect of the siting and appearance of the development on the character and appearance of the locality, including the landscape of the South Downs National Park (SDNP) and the setting of the Liss Conservation Area (LCA).

Reasons

Character and appearance

6. The appeal site is located within the village of Liss which is described as a 'hidden' village in the Liss Village Neighbourhood Plan 2017 (NP). This is due to its position set low in the valley and almost imperceptible due to tree cover and local topography. The surrounding area is characterised by the undulating agricultural landscape of the SDNP.
7. The site itself is a grass verge outside a health centre on the western side of Station Road at its junction with Riverside Close on the edge of the central part of the village. The surrounding area is a mix of residential and commercial development in predominantly two-storey properties. The railway line is situated a short distance to the south of the site, beyond which lies the LCA.
8. Trees and vegetation extend along the banks of the River Rother, directly south of the site and along the railway line. This softens the landscape around the semi-urban character of the central area of Liss. Built development either side of Station Road adjacent to the appeal site is set back some distance from the road which gives the area an open and spacious character.
9. In the vicinity of the site, there are limited items of street furniture, mostly confined to lighting columns and telegraph poles distributed regularly throughout the surrounding area. These are indicated to be around 6 metres tall. Road signage is limited. Some taller floodlighting columns are positioned closer to the railway lines. There is an existing small equipment cabinet installed within the grass verge, close to the boundary wall. Adjacent to the railway line, on the opposite side of and some distance back from Station Road, there is an existing telecommunications mast which appears to be a similar height to that currently proposed.
10. Paragraph 112 of the Framework advises that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum, but where new sites are required equipment should be sympathetically designed and camouflaged where appropriate.
11. The appeal proposal is for the installation of a 17.5 metre high monopole, with two antenna dishes positioned around three quarters of the way up the monopole. It would be centrally located within the grass verge, towards the front of the plot. It would have a light grey finish to assimilate to the colour of the sky and reduce its visual impact. At ground level, two equipment cabinets, the tallest which is indicated to be 1.65 metres, would be installed towards the corner of the site. These would be coloured green to be absorbed into the grass verge and wall.
12. Station Road is one of the principal roads leading into the village. It runs downhill towards the centre of the village and the LCA. The appeal site, being towards the bottom of this road and in close proximity to the village centre, is particularly prominent. The proposed monopole, due to its significant height and the absence of any similarly tall structures or sufficiently tall trees to

- provide screening or that would allow it to blend in, would extend significantly higher than surrounding development. As such, it would be visually prominent and out of character as an urbanising feature on the approach to the centre of the village at the lower end of Station Road. This would detract from the character and appearance of the area.
13. The proposed development would increase the amount of street furniture at this location. The equipment cabinets, would be relatively tall structures, prominently placed close to the road junction. The monopole, despite its slimline appearance, would be three times taller than the lighting columns and significantly wider. It would rise up starkly and be visually prominent within the streetscene. The installation of the equipment, both cabinets and the monopole, in this location, would result in visual clutter which would harm the open character at the lower end of Station Road. Whilst the street scene around this part of Station Road is considered to be of poor quality, the proposal would add to this and would not enhance the local environment.
 14. The monopole would be visible in views from the nearby residential properties. This includes housing on the opposite side of Station Road and from the large corner windows serving the recently completed flatted development on the opposite of Riverside Close. The full height of the monopole may not be visible from these windows due to the angle and position of these in relation to the proposal, nevertheless it would contribute to the visual clutter of the area for these occupiers. Furthermore, the proposal would be highly visible to pedestrians and other road users travelling along Station Road as well as those using the local services, including accessing the health centre.
 15. The appellant has submitted an initial and updated Assessment of Landscape and Visual Impacts (ALVI). These reports concluded that the proposed monopole would appear to sit amongst existing development when viewed from a distance, meaning it would be barely noticeable.
 16. The 'hidden' character of Liss is an important feature of the village. The ALVIs do not refer to this nor provide evidence of how this special character of Liss would be affected by the proposal. The monopole would be positioned close to the 65 metre contour line and at a relatively low point within the village. This may mitigate its wider visibility. However, at 17.5 metres tall and significantly taller than surrounding development, it seems to me it could potentially extend above the built form and into views towards the village from the surrounding area.
 17. The Zone of Theoretical Visibility (ZTV) contained within the ALVI suggests that this may be the case. Even though I note this does not take into account vegetation, it nevertheless suggests that the monopole may be visible from outside the village. In the absence of firm evidence, I am not satisfied that the proposal would not detract from the 'hidden' character of the village by revealing it within the landscape. I consider the harm that would arise, would have an urbanising effect which would neither conserve nor enhance the landscape or scenic beauty of the SDNP.
 18. The appellant has indicated that they would be willing to change the colour of the monopole. However, it seems to me that the proposed colour would help to mitigate some of the visual effects of the proposal but would not be sufficient to overcome the harm that would arise from the height and position of the structure.

19. The LCA occupies much of the commercial centre of Liss along Station Road east of the station. It is characterised by small scale traditional buildings of two-storeys in height including commercial properties and smaller scale cottages. The architectural detailing of these historic buildings and their proximity to the railway station, forming a focal central place within the village contribute to its significance.
20. The appeal site, being a short distance from the southern boundary of the LCA, lies within its setting. The proposed monopole would be prominent in views both into and looking out from a limited part of the LCA. As a modern and tall structure, it would detract from the historic character of the LCA. As such, I find the proposal would result in some harm to the setting of the LCA but this harm would be at the lower end of the 'less than substantial' scale for the purposes of applying the Framework.
21. Paragraph 196 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. The scheme would provide public benefits in the form of improved signal allowing faster and stronger 4G coverage to a relatively wide geographic area. This would benefit mobile phone users living in, visiting and travelling through the area. It would also contribute to a network utilised by the Emergency Services. Whilst I have given considerable importance and weight to the harm to a designated heritage asset, I find here that the limited harm would be outweighed by the public benefits of the proposal.
22. Paragraph 115 of the Framework sets out that applications for telecommunications development should be supported with the necessary evidence to justify the proposal. This should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
23. I have had regard to the basis for the proposed development, which is part of a wider scheme to provide targeted coverage on a small and localised section of the railway. Its location is therefore dependent on proximity to the railway tracks as well as access routes, power supply and connectivity to the wider mobile infrastructure network. The proposed monopole would also need to be higher than nearby trees and buildings to ensure signal coverage can reach the railway. The appellant has included within their submissions that a number of alternative locations for the proposal have been considered and discounted.
24. From the submitted information, those which appear to be most suitable in terms of location and not being within the LCA, are discounted as having insufficient land space. However, limited details of the space requirements have been provided to support this. Whilst I accept that there are a limited number of suitable options for a freestanding site at a location near Liss Station, this does not justify the harm that arises from the proposal in this prominent location.
25. I appreciate that the technical requirements of the proposed development will inevitably give rise to some conflict with a more landscape-led approach. Nevertheless, the local landscape as part of a settlement within the National Park is important in this case. On the evidence before me, I am not satisfied that there are no alternative locations that would be less harmful in this sensitive location.

26. Whilst I have found that there are benefits of the scheme which outweigh the less than substantial harm to the LCA. I do not find that these benefits outweigh the harm which I have found would result from the siting of the monopole in this particular location within the SDNP. In reaching this decision, I have had particular regard to Paragraph 172 of the Framework which indicates that great weight should be given to conserving landscape and scenic beauty in National Parks.
27. For the reasons outlined above, I conclude that the siting and appearance of the development would cause harm to the locality, including the landscape of the SDNP and the setting of the LCA. In so far as they are a relevant material consideration, I also conclude that the proposal would not be in accordance with Policies SD4, SD5, SD15, SD21 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 SDNP, require development proposals to preserve or enhance the character or appearance of conservation areas, and for street design and management to be context-sensitive, responding to the special character, activities and street furniture of the location.
28. It would also conflict with Policy Liss 4 of the NP which does not permit development that increases the prominence of the settlement within the landscape. Additionally, the proposal would not accord with the Framework as referred to above. It would also not comply with Policy 1 of the South Downs National Park Partnership Management Plan 2020-25 which seeks the long term outcome of conserving and enhancing the natural beauty and special qualities of the landscape and its setting.
29. The proposal would also not align with the objectives of the Authority's guidance, Roads in the South Downs 2015 which seeks to reduce roadside clutter and recognises that the careful design of infrastructure and positioning of roadside furniture can all add to the special qualities of the area.

Other Matter

30. I appreciate that the appellant has had pre-application discussions with the Authority, after which an alternative location, the appeal site, was selected to avoid harm to the LCA, its setting and to reduce street clutter. However, I have no evidence that the Authority indicated that the appeal site location would be acceptable. In any event, pre-application advice is not binding on the Authority. However, this is essentially a procedural matter that does not relate to the planning merits of the appeal proposal.

Conclusion

31. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR