
Appeal Decision

Site visit made on 19 May 2021

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/H1515/W/20/3257277

Land Adjacent to The Nightingale Centre, Pastoral Way, Warley, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Cornerstone and Telefonica, against the decision of Brentwood Borough Council.
 - The application Ref 19/01745/PNTEL, dated 19 December 2019, was refused by notice dated 10 February 2020.
 - The development proposed is the installation of a 20m slim line column supporting 6No. shrouded antennas, 2No. transmission dishes, 2No. equipment cabinets, 1No. meter cabinet and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has made 2 further appeals¹, which are linked in nature but relate to 3 separate sites. Accordingly these appeals, although considered jointly, are subject to separate decisions.
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 on these matters. 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 be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

¹ APP/H1515/W/20/3257508 & APP/H1515/W/20/3257274

Main Issues

5. The main issues are the effect of the siting and appearance of the development on the character and appearance of the area and the setting of designated heritage assets; and whether any harm would be outweighed by the need to site the installation in the location proposed, having regard to the potential availability of alternative sites.

Reasons

6. The proposed new equipment would be located on the back edge of the pavement on Pastoral Way. Although there is no signage, markings, seating or shelter, the widening of the footpath in this location, the tactile paving and the raised kerbs suggest that the site forms part of a bus stop waiting area. There is a similar bus stop nearby on the opposite side of the road.
7. With the exception of the public highway, the site is situated in a large area of open green space, with the nearest buildings being over 50 metres away. I observed the presence of various sign posts and street lighting nearby; however, these are much lower in height and much slimmer than the column proposed. There is a small group of trees immediately to the west of the site, which would provide a modest degree of mitigation.
8. My attention has been drawn to numerous grade II listed buildings in the vicinity of the site. The fact that the column would be visible from these nearby listed buildings does not necessarily mean that it would harm them or their setting. At the time of my visit, the listed building known as 'The Tower' was relatively well screened by mature trees. However, I acknowledge that when the trees are not in full leaf this building would be far more visually prominent. Having viewed the site from multiple public vantage points and having regard to the distance between the proposed column and the listed buildings, I agree that the column would detract from the wider setting of the listed buildings resulting in some limited harm.
9. I also find that given the openness of the immediate surrounding area the proposed column would be visible in long and short distance views and would appear as an obtrusive and visually prominent feature, which would be harmful to the character and appearance of the area. The equipment cabinets are typical of those commonly found in all built up areas and their siting would not obstruct the footway or harmfully detract from the appearance of the area or the setting of any listed buildings.
10. There is no dispute that a new site is required in this area to replace the former roof top site at Ewing House in Brentwood. I afford this need significant weight. However, it is also necessary to consider whether or not this need could be met by an alternative site, which would result in less harm. Moreover, I have been advised that this site alone would not be capable of providing the same level of coverage as the site it is intending to replace. Accordingly a second site would need to be approved elsewhere within the area.
11. Paragraph 113 of the Framework is clear that the number of new sites should be kept to a minimum and where these are required, equipment should be sympathetically designed and camouflaged where appropriate. I have not found that to be the case here. The Framework also favours the use of existing

masts, buildings and structures over the erection of new free standing structures.

12. The alternative appeal sites before me, which I was requested by both main parties to have regard to, demonstrate that the option of placing the equipment on the roof of the multi-storey carpark is available and that would, in my view, be much less harmful in terms of siting and appearance than the proposed new ground based equipment. Moreover, this single roof top site would be capable of providing the required level of coverage, without relying upon a second site. Having regard to the availability of alternative sites, I therefore find that the harm from this proposal would not be outweighed by the need to provide appropriate coverage in this area.
13. The appellant has provided me with copies of numerous appeal decisions for similar proposals. However, I have determined this case on its own merits having particular regard to the alternative available sites also before me.
14. The proposal would be contrary to Policies CP1, CP16 and IR2 of the Brentwood Replacement Local Plan (August 2005), which require amongst other things that new development would not have an unacceptable detrimental impact on visual amenity, the character and appearance of the surrounding area or the setting of listed buildings. Policy IR2 also requires evidence to be provided that there are no alternative structures. Whilst I appreciate that this was the case at the time the appeal was submitted, I have since found that the top of the multi-storey car park would be an appropriate site for the required replacement.

Conclusion

15. The siting and appearance of the proposed 20m high column would result in harm to the character and appearance of the area and the wider setting of nearby listed buildings. Given that I have an alternative less harmful site before me that would provide coverage for a greater area, the harm I have identified would not, in this case, be outweighed by the public benefit. Consequently I conclude that the appeal should be dismissed.

Rachael Bartlett

INSPECTOR