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## Appeal Decision

Site Visit made on 9 June 2021

**by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 August 2021**

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**Appeal Ref: APP/F9498/W/21/3270428**

**Agricultural Land at, Halse Farm, Halse Lane, Winsford, TA24 7JL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by The Home Office and EE Ltd against Exmoor National Park Authority.
  - The application Ref 6/40/19/101, is dated 18 April 2019.
  - The development proposed is the proposed installation of 15m telecommunication mono pole mast and associated equipment together with twin wheel access track.
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### Decision

1. The appeal is allowed and planning permission is granted for the proposed installation of 15m telecommunication mono pole mast and associated equipment together with twin wheel access track, at agricultural land at Halse Farm, Halse Lane, Winsford, TA24 7JL in accordance with the terms of the application, Ref 6/40/19/101, dated 18 April 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) Prior to their installation on site, details of the external finished, including colour, of the 15 metre mono pole mast, cabinets and backhaul dish, including its mast, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.
  - 3) The telecommunications mast and equipment shall be permanently removed upon redundancy of its dedicated purpose and the land reinstated to its former condition within a period of six months of its redundancy.
  - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: EAS201 K 104 E Proposed Elevation and Antenna Plan – Amended; EAS201 106 D Proposed Enclosure Layout – Additional Plan; EAS201 105 E Proposed Equipment Setting Out Plan – Additional Plan; EAS201 103 E Proposed Site Plan – Amended; EAS0201 K 102 E – Demise Plan; and EAS201 110 E Site Access Plan – Additional Plan.

### Preliminary Matters

2. The description of development is taken from the Appeal Form, which contains an amended description.

## **Main Issue**

3. The planning application was not determined by the Council before it was appealed. From the Council's Appeal Statement of Case and all the other evidence submitted I would regard the main issue as the effect of the development on the landscape and scenic beauty of this part of the Exmoor National Park.

## **Reasons**

4. The proposal is for a 15m mast and associated infrastructure within the Exmoor National Park (NP). The 2021 National Planning Policy Framework (the Framework) states that "great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks" (Paragraph 176). The proposed mast would be positioned towards the top of a hill, within a field which is part of a farm. Indeed, this appears to be an area of predominantly agricultural land, though the village of Winsford is nearby within a valley and there is also open moorland nearby.
5. There is no doubt, in my view, that the mast would be visible from many different vantage points within this part of the NP. Being 15m in height, towards the top of a hill, it would at least be partially visible from some short and many long range views. There are other poles or similar features of various infrastructure near to the proposed site, though these are not of the same height as the proposed mast, which therefore would be more prominent. There is built development in the area, such as Halse Farm itself, but this has an agricultural quality that is typical of rural areas such as this, even within the NP.
6. The mast would, due to its size and prominence, have a clear visual impact within this area, on the side of a smooth hillside. This visual impact would be negative as it would be a modern utilitarian feature with vertical prominence, thereby being incongruous with the NP agricultural/rural landscape. However, I do note that it would be a slim singular mast, which would reduce its visual impact considerably. The fencing and cabinets to the base are of a modest size and height which themselves would not be particularly noticeable within the landscape and would be screened by the existing field hedgerows from many vantage points. Therefore, I would conclude that the proposed mast would have a negative visual impact and would not conserve the scenic beauty of this part of the NP, but the extent of this harm is limited primarily by the fact it would be a slim singular mast.
7. I note that the submitted Landscape and Visual Assessment has suggested that these structures should "be painted with a recessive colour to assist blending in with the vegetated backdrop and surrounding landscape". A condition requiring such details could be imposed to further mitigate the visual impact.
8. Along with a consideration of the impact to the NP, there is also the benefits the mast would bring. The Framework (paragraph 114) states that "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks.."
9. In this case the proposed mast is needed for the Emergency Services Network (ESN). The appellant's Statement explains that ESN seeks to provide a modern

communication service for the emergency services which will allow access to data on the move and would be of benefit to police and paramedics for example. Although within the NP, there is still clearly the need for modern and reliable communication technology for the emergency services.

10. Furthermore, as is the Government intention, some masts built for ESN will also be available for other mobile operators to offer commercial mobile coverage. In this case, the mast could be used for the Shared Rural Network (SRN) project which should improve network coverage generally within this area, including for Winsford village which currently has poor coverage. This could keep the need for further masts in the area to a minimum, as required by the Framework (paragraph 115).
11. The appellant has considered other alternative sites in the area. Some were discounted for coverage issues, whilst some due to NP Authority feedback. I understand that a new application for a mast of 20m has been submitted to the Planning Authority for 'Point K', but this would not "provide as much geographical coverage as the appeal site", according to the appellant. Furthermore, I have been to the areas of the other potential sites for the mast, where it was not discounted for technical reasons, and in my judgement, they would not be discernibly better than the appeal site in terms of landscape impacts. The mast needs a prominent location and sufficient height to allow for suitable coverage and the appeal site would have no greater negative impact than the other potential alternative sites, including 'Point H' which the Council indicates has some landscape capacity for a mast.
12. I note the Council concerns that if the planning application at 'Point K' is approved then there could be two masts, but this seems unlikely given that one mast would probably provide the coverage needed. As such, I do not share such concerns. As far as I am currently aware, there has been no determination of the mast at Point K and so it is still within the Council's control as to what to decide on this other proposal.
13. My attention has been drawn to an approved proposal for an antenna in Winsford in 2018, which was justified in that it would improve local 4G coverage and benefit the emergency services. However, the appellant has explained why an elevated position for greater coverage is required and so it seems likely that the appeal proposal would have significantly greater benefit than that approved in Winsford.
14. In terms of the justification for the mast, the reasons such as the provision of the ESN are of great importance to those living or visiting this part of the NP. This must be balanced against the visual harm of the mast in the NP landscape.
15. As stated above, the mast does not conserve the natural beauty of the NP. Therefore, the proposal conflicts with policies GP1, CE-S1, CE-D1 and CE-S6 of the Exmoor National Park Local Plan (2011-2031), which all require development to conserve and enhance the NP. Policy RT-D12 relates to safeguarding public rights of way. There is an extensive network in the area where the mast would be at least partially visible from some routes. As such, this would affect the landscape people would pass through whilst using these routes.
16. In terms of Local Plan policies that relate to telecommunication infrastructure, policy AC-S4 requires that whilst development to improve the

telecommunications networks will be encouraged, “great weight will be given to ensuring that the National Park and its special qualities are conserved and enhanced”. I would not regard the proposed mast as conserving the NP qualities, even though it would improve the telecommunications networks. Policy AC-15 states that the design of mobile telecommunications development should have an acceptable appearance in the landscape. As such, I conclude that the proposal would not strictly comply with these policies due to the impact of the mast, but these policies do show a recognition of the importance to Exmoor of mobile telecommunications development.

17. Included with the policies stated by the Council which conflict with the proposal is policy SE-S1, which relates to Exmoor’s economy, but this mast would have the primary function of providing emergency services with modern communications they now require. It could also benefit local businesses if shared to provide better coverage.
18. Planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the proposal would not conserve the scenic beauty of the NP, although the level of harm is minimal due to the mast being essentially a singular slim structure within the landscape. Whilst I give any harm to the NP great weight, in this case it is outweighed by the very important contribution this infrastructure would provide to those living and visiting this area of Exmoor, primarily due to the enhanced modern communication technology for the emergency services. As such, even with the conflict with development plan policies, there are particularly important and persuasive material considerations that indicate that this development should be approved.

### **Conditions**

19. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
20. I have attached the standard time limit condition and a plans condition as this provides certainty. A condition requiring details of the finish of the antenna is included as this can aid with minimising the visual impact of the mast. A condition requiring the removal of the mast when redundant is also included, given its sensitive NP setting.
21. The Council recommended conditions requiring cabling to be underground is not imposed as there is no substantive evidence that any such cabling would likely result in any harm to the visual amenities of the area. Furthermore, the recommended condition for the removal of permitted development rights is not necessary as there is already a criteria for replacement or works to masts as set out in the General Permitted Development Order. I am not persuaded there is the justification for this restriction of permitted development rights from the evidence submitted.
22. From the evidence before me I do not consider there a need for any further conditions to be imposed.

## **Conclusion**

23. For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions set out above.

*Mr S Rennie*

INSPECTOR