



Appeal Decision

Site Visit made on 20 July 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 September 2021

Appeal Ref: APP/U1105/W/21/3268338

**Stantyway Recreation Ground, Piscombe Lane, Otterton, Budleigh
Salterton EX9 7JJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 Telefonica UK Limited against the decision of East Devon District Council.
 - The application Ref 20/1251/TEL, dated 18 June 2020, was refused by notice dated 5 August 2020.
 - The development proposed is 18m high lattice tower supporting 3no. antennas and 1no. microwave dish, the installation of 1no. equipment cabinet and 1no. meter cabinet on the new concrete base and the installation of ancillary equipment.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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. My determination of this appeal has been made on the same basis.
3. With reference to paragraph W of the GPDO I have had regard to the National Planning Policy Framework (the Framework) in my determination of the appeal.
4. On 20 July 2021, during the appeal process, the Government published its revised Framework. Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.
5. Paragraph 194 of the Framework requires applicants to describe the significance of any heritage assets that may be affected by a proposal including any contribution made by their setting. It goes on to advise that this should be proportionate to the assets importance and sufficient to understand the potential impact of a proposal on its significance when assessed using appropriate expertise.
6. The Council refers to various visual receptors in its officer report including Bicton College, which is to the northwest of the site. Views from the site

towards Bicton College are referred to elsewhere within the report. It has not articulated what the impact on Bicton College might be, however this is understandable given the absence of an appropriate assessment of this asset. Bicton College comprises an expansive grade I parkland and numerous historic buildings, some highly graded, including the grade II* Bicton House. Although distant from the appeal site evidence before me demonstrates that the upper part of the proposed mast and its fixtures would be visible above the height of existing trees from some distance as a skyline feature. At my visit I was able to easily view the front elevation of the house from the ground level of the site. I could see the sash windows of the upper floor and its deep eaves and parapet.

7. No assessment has been undertaken to demonstrate an understanding of the significance of the setting of these assets. Given the distance between the site and these assets I accept that this would not always be necessary. However, I consider it highly likely that a collection of such significant heritage assets, that are amongst the most important heritage assets in the country, arranged in a planned manner within a highly graded parkland were at least in part designed and laid out to enjoy views out over the surrounding pastoral land. The appeal site and the adjoining area of elevated land are potentially significant components of this surrounding landscape.
8. I must therefore conclude that insufficient information has been provided to determine the potential harm. I am mindful of the public benefits of the proposal set out by the appellant. However, without the necessary information I am unable to carry out an accurate balancing exercise that would allow me to weigh any harms against these public benefits. As a result, the appeal must be dismissed.

Conclusion

9. For the reasons above, the appeal should be dismissed.

A Tucker

INSPECTOR