



Appeal Decision

Site visit made on 18 August 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2021

Appeal Ref: APP/P5870/W/20/3261216

Adjacent to Bath House Road Junction, Beddington Lane, Croydon, Sutton

- 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 Order 2015 (as amended) (GPDO).
 - The appeal is made by MBNL against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/00720, dated 21 May 2020, was refused by notice dated 13 August 2020.
 - The development proposed is for the installation of a 20m monopole, 12 No antenna apertures, equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 20m monopole, 12 No antenna apertures, equipment cabinets and development ancillary thereto at land adjacent to Bath House Road Junction Beddington Lane, Croydon, Sutton (Grid Ref Easting: 530059, Grid Ref Northing: 166112), in accordance with the terms of the application, Ref DM2020/00720, dated 21 May 2020, and the plans submitted with it, subject to the relevant conditions of Class A, and the following additional condition:
 - within 3 months of the final commissioning of the approved mast and ground based equipment the mast and ground based equipment located on the corner of Bath House Road shall be decommissioned and removed and the site reinstated to its previous condition.

Procedural Matters

2. I have used the address given on the Appellant's appeal form and the Council's decision notice as this best describes the location of the proposal which, for the avoidance of doubt, is precisely located at Grid Ref Easting: 530059, Grid Ref Northing: 166112.
3. Under the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 the principle of telecommunications development is already established. This means that prior approvals are not determined in accordance with the development plan. As such, the only relevant matters to my consideration under the GPDO are the siting and appearance of the proposal. Indeed, the Appellant has brought to my attention an appeal decision that exemplifies this matter¹, which is noted.

¹ APP/W5780/W/17/3171954

4. Nonetheless, the appeal site lies in the Metropolitan Open Land (MOL), as such the characteristics of the MOL need to form part of my reasoning. However, MOL policies otherwise are not relevant to my determination. Nevertheless, other local plan policies and the *National Planning Policy Framework* (the Framework) remain relevant material considerations. In this case, the Council determined that prior approval was required and refused. Accordingly, the main issue is set out below.

Main Issue

5. The main issue is the siting and appearance of the proposal within the MOL. Metropolitan Open Land (MOL).

Reasons

6. The appeal site is located within the MOL near to the junction with Bath House Road, and is a grass verge that is found to the left-hand side of the Beddington sewage treatment works access road on Beddington Lane. The surrounding area is typified by industrial style units that are over-sailed by linking electricity pylons that span through the MOL, and a selection of road signage and hoardings, and other industrial type street furniture and structures. The main highway adjacent to the appeal site is well used and serves as an access route for Heavy Good Vehicles to the surrounding industrial units, other commercial premises and a number of food and retail superstores. Opposite the appeal site there is an existing telecommunications mast on the corner of Bath House Road that is sited within one of the Council's Strategic Industrial Locations.
7. The proposal is to construct a 20m monopole on the appeal site that would have 12 antenna apertures with associated cabinets and equipment at ground level. The development would be set back from the highway to avoid conflict with vehicles or passers-by. The monopole and equipment would be used by two operators, and the monopole opposite the appeal site on the corner of Bath House Road would be removed should the proposal be implemented and operational.
8. I note the Council's concerns regarding the MOL, the presence of limited screening trees, and following the installation of the proposal, the potential for the long-term retention of the monopole on the opposite side of the road. However, while the proposal would be approximately 5.3m taller than the monopole it would replace, the immediate surrounding area is dominated by substantial and numerous National Grid electricity pylons and cables. Therefore, notwithstanding that the proposal would be sited just outside one of the Council's designated Strategic Industrial Locations, in comparison to the pylons, the relatively slim monopole would not be overly prominent in this specific location that is dominated by not only the pylons but for example, a range of bulky industrial units, tall fencing, lighting poles, telegraph poles, advertisement hoardings, and two historic brick chimney stacks. Indeed, while I acknowledge that there would be a number of ground-based units associated with the proposal, the mast and its cabinets would be unlikely to be regarded by drivers and passers-by as unexpected or unusual structures in this location.

9. Furthermore, the proposal would not be readily viewed across the MOL, other than within the Beddington sewage treatment works, or by the nearest residential dwelling. Indeed, there have been no recorded objections to the proposal by interested parties; and to allay concerns regarding the retention of the existing monopole following the installation of the new mast, its removal could be secured by an appropriate condition.
10. Moreover, the Appellant has provided convincing evidence to persuade me that the proposal could not readily and tangibly be located in a suitable nearby location, including the site of the adjacent monopole; and while the Appellant concedes that it might be theoretically possible to locate the monopole elsewhere, from the evidence before me the options would undoubtedly be limited, for example, to green field sites or sites that could not be shared with other providers. As such, in comparison the proposed shared facility site weighs heavily in its favour in combination with other related benefits of the development, such as the significant enhancement to telecommunications services to the multiple business premises in the area, the advantages of which are supported by the aims of Paragraph 114 of the Framework which says, amongst other things, that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).

Conditions

11. Development permitted under Class A, Part 16 of the GPDO are subject to standard conditions. These include a time limit for implementation, a requirement that development is carried out in accordance with the details approved/submitted with the application, and that it is removed when it is no longer required for electronic communications purposes. I have not repeated these conditions.
12. Nonetheless, after consideration of Paragraph 55 of the Framework and the national *Planning Practice Guidance*, for certainty, I have imposed an additional condition related to the removal of the mast as suggested by the Council. This additional condition is imposed in order to ensure the future appearance of the area. The Appellant has suggested a similar condition in this respect. However, I am not satisfied that this similar, but less precise condition, meets the requirements of Paragraph 55 of the Framework, which requires that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

J E JOLLY

INSPECTOR