



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: 13 September 2021

Appeal Ref: APP/P5870/W/20/3264774

Telecommunications site at grass verge on Woodcote Road, Woodcote, Purley, London CR8 3PB

- 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 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by MBNL (H3G UK Limited) against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/00934, dated 19 June 2020, was refused by notice dated 18 August 2020.
 - The development proposed is for the installation of a 20 metre high monopole. Installation of 3 equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development provided on the Appellants' appeal form and the Council's decision notice which more accurately describes the proposal before me, and upon which the main parties are agreed.
3. Under the GPDO the principle of telecommunications development is already established. This means that such prior approvals are not determined in accordance with the development plan. Indeed, the Appellant has brought to my attention a number of Appeals that exemplify this matter.¹ As such, the only relevant matters to my consideration under the GPDO are the siting and appearance of the proposal. Nonetheless, the appeal site lies in the Metropolitan Green Belt (the Green Belt), as such the characteristics of the Green Belt need to form part of my reasoning. However, Green Belt policies otherwise are not relevant to my determination. Nevertheless, other local plan policies and the *National Planning Policy Framework* remain relevant material considerations. I have proceeded accordingly.

Main Issues

4. The main issues are:
 - whether the proposal is permitted development or not, and if so;
 - the effect of the siting and appearance of the proposal on the character and appearance of the surrounding area, including the Green Belt.

¹ APP/N4720/W/17/3191592, APP/N4720/W/17/3191592, APP/N4720/W/18/3194619 APP/R5510/W/15/3133767 and APP/R5510/W/16/3156200

Reasons

5. The appeal site is located within the Green Belt on a grass verge that faces across the A237 highway toward linear residential development near to the junction with Farm Lane.
6. The appeal site accommodates a monopole that is approximately 11.7m in height and has a number of associated equipment cabinets at ground level. At my site visit I noticed that to the rear of the monopole there are what appear to be agricultural fields or paddocks that provide views across the wider countryside.
7. The proposal is to construct a 20m monopole with associated equipment and cabinets adjacent to the existing monopole and equipment cabinets. The existing monopole would be removed in the future to facilitate a roll out of 5G technology and services for the surrounding area.
8. While the Appellant contends that the proposed monopole would not replace the existing monopole, I find to the contrary. Indeed, the existing monopole would be removed as soon as the 2G/3G and 4G technology can be switched to the new monopole to combine with newer 5G technology. Therefore, given the relatively minor difference in the positioning of the future and soon to be redundant monopole, I conclude that the proposal would be a replacement monopole. Moreover, from the evidence before me, the new monopole would be at least a third taller than the existing monopole. As such, while the Appellant has provided a recent appeal reference in support of the case², for which I have limited details, I find that the proposal would not meet with the aims of Paragraph (1)(d) of A.1 of the GDPO which say, amongst other things, that the replacement of existing telecommunications masts is not permitted if, in the case of the alteration or replacement of a mast, the mast, excluding any antenna, would when altered or replaced, exceed the width of the existing mast and any antenna support structures on it by more than one third, at any given height.
9. Accordingly, from my findings above, the basis on which the Council assessed the proposal for permitted development and its subsequent refusal for prior approval is correct. Consequently, notwithstanding the siting and appearance of the proposal, or the findings of appeal APP/P4605/W/19/3241791 in this respect, it has not been necessary for me to consider the effect of the proposal on the character and appearance of the area, including the Green Belt.

Other Matters

10. I acknowledge the social and economic benefits of the proposal, and the limited appropriate sites available to accommodate 20m monopoles to meet increased demand for 5G services. However, this does not overcome the findings above.

Conclusions

11. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR

² APP/J4525/W/20/3265334