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## Appeal Decision

Site visit made on 4 August 2021

**by M Aqbal BA (Hons) DipTP MRTPI**

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

**Decision date: 28 October 2021**

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**Appeal Ref: APP/C1950/W/21/3272746**

**Cromer Hyde Farm, Lemsford, Welwyn Garden City, Hatfield AL8 7XD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Zayo Group UK Limited against the decision of Welwyn Hatfield Borough Council.
  - The application Ref 6/2020/1587/FULL, dated 2 July 2020, was refused by notice dated 9 October 2020.
  - The development proposed is creation of a compound and the installation of 2no. telecommunications equipment containers, electric meter cabinet and associated fencing.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Since the application was determined, a revised version of the National Planning Policy Framework, 2021 ('the Framework, 2021') has been released. The main parties have been consulted on this and I have taken this into account where relevant to my Decision.
3. The Council has prepared a new Local Plan which was submitted for examination in May 2017, and which remains subject to hearing sessions. Since there is no certainty that the policies within this will be adopted in their current form, I attach limited weight to these.

### Main Issues

4. The main issues are:
  - i) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework, 2021 and relevant development plan policies;
  - ii) the effect of the development on the openness of the Green Belt;
  - iii) the effect of the development on the character and appearance of the area; and,
  - iv) if the development would be inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

## **Reasons**

### *Inappropriate development*

5. Policy GBSP1 of the Welwyn Hatfield District Plan 2005 ('WHDP') sets out the extent of the Green Belt but does not provide any additional detail for the determination of planning applications. The Framework, 2021 sets out the Government's policy in relation to Green Belts. Inappropriate development is, by definition, harmful and should not be approved other than in very special circumstances.
6. Based on the appellant's statement of case it is not contested that the proposal constitutes inappropriate development, and I have no reason to disagree.

### *Effect on openness*

7. Paragraph 137 of the Framework, 2021, states that the essential characteristics of Green Belts are their openness and their permanence. The extent to which a proposal may cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications.
8. The appeal site forms part of an existing yard area, this comprises hard surfacing which save for some open storage of vehicles and trailers is free of any significant development.
9. The proposal would occupy part of the yard and is to comprise a compound, secured with fencing about 2.4m in height. The compound would house telecommunications equipment which would include two large units each measuring about 8.62m in length, by 3.42m in width, by 3.17m in height. The roofs of these units would be fitted with slender antenna and lightening finials. However, one of the larger units is intended to meet future demand and therefore would appear to be an unnecessary addition at this point in time. Other smaller equipment within the compound would include an electric meter cabinet and a generator.
10. Due to the extent of proposed new development and the permanency associated with it, this would reduce the spatial openness of the yard. In terms of visual openness, the yard is largely enclosed by existing buildings of various sizes. As such, the proposed development would only be visible from limited vantage points, despite this there would be some reduction in visual openness.
11. For the above reasons, the proposal would result in harm to openness of the Green Belt, contrary to the provisions of the Framework, 2021.

### *Character and appearance*

12. The character of the surrounding area is rural, largely open and consists of arable fields and pockets of woodlands. The site is located within the landscape character area of De Havilland Plain which is characterised by an extensive level topography, large arable landscape and agricultural land with isolated farms.
13. The appeal site forms part of a yard within an established farmstead. This area is hard surfaced, and as already stated is largely enclosed by a cluster of buildings and used for storage. Therefore, this makes no significant contribution to the landscape character of the area.

14. Despite being of a functional design, the proposed compound and telecommunications equipment would be located close to the existing built development near the site. Moreover, the scale and massing of the proposal would be modest relative to the existing buildings which are generally larger and of a utilitarian appearance. The proposed development would also be finished in shades of dark green to match some of the existing built development.
15. In addition, the combination of new hedge planting and the permeable nature of the proposed wire mesh fencing along the perimeter of the compound would soften the appearance of the development and provide some screening of the telecommunications equipment. These, along with the above scale and design considerations would enable the proposal to assimilate with the surrounding development. The proposed landscaping would provide some relief to the existing and new development and therefore would provide some enhancement to the appearance of the yard.
16. I have noted the Council's concerns about the future removal of the existing buildings and the effects of this on the visibility of the proposed development. However, there is nothing to suggest that these would be removed, and, in any event, I have based my decision on the current situation.
17. For the above reasons, although I acknowledge that I have found the scheme would harm the openness of the Green Belt, I nonetheless consider that the proposal has been sympathetically designed with sufficient screening and its scale and siting would not unacceptably detract from the character and appearance of the area. In the absence of harm, I, find no conflict with the design aims of Policies, D1, D2, RA10 of the WHDP .

*Other considerations*

18. The Framework, 2021, advises that substantial weight is to be given to any harm to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
19. The appellant is a designated operator under the Electronic Communications Code and is constructing a new fibre optic network from Dublin to London which will connect to other international networks. There is an existing long-haul fibre optic network which is laid within Marford Road (B653) approximately 500m to the north of the site.
20. The delivery of advanced, high quality and reliable communications networks is supported by the development and government advice, including the Framework, 2021. The proposal also makes use of existing below ground telecommunications infrastructure. Consequently, there would be some economic, social and environmental benefits arising from the proposal.
21. However, Policy R21 of the WHDP seeks to steer telecommunications development away from the Green Belt unless it can be demonstrated that sites outside these areas cannot be used.
22. To facilitate its network expansion, the appellant has acquired a fibre duct within the existing long-haul fibre optic network. The development subject to this appeal comprises an In-Line Amplifier ('ILA') site which would support and

- power the optical amplifier equipment needed to transmit signals along the new fibre route thereby enabling telecoms services to be provided to customers.
23. The appellant advises that ILAs are required at specific intervals (approximately 75km) along their fibre routes to ensure the optimum quality and speed of signal transmission, but in particular, close to existing access chambers through which sections of fibre can be installed, and in locations with substantial power availability or where there is potential for the power supply to be upgraded by the relevant providers.
24. Nevertheless, no specific site search area has been geographically defined. Accordingly, I cannot be certain that the appellant's site search area is wholly within the Green Belt.
25. Moreover, the appellant states that no suitable or available commercial units within urban settings could be identified. This suggests that the search area is not limited to the Green Belt. Nonetheless, in the absence of any detailed information of sites in urban settings, I cannot be certain of the robustness of the appellant's site search and selection process. Although details of some alternative sites have been provided, these are also within the Green Belt.
26. Whilst the appellant has acquired a duct within the existing long-haul fibre optic network, this was prior to obtaining any planning consent. There is also limited information about any other locations where the long-haul fibre optic network could be accessed.
27. Therefore, even though I acknowledge that there are benefits arising from the proposal. Because it has not been clearly shown that sites outside the Green Belt cannot be used to provide the ILA and because one of the larger units is of a speculative nature, the benefits associated with the proposal attract limited weight.
28. Whilst the appellant has drawn my attention to similar proposals being approved within other Green Belt locations, I do not have the full details of these to draw any meaningful comparisons. Also, these schemes would have been assessed under different development plan policies and each application is determined on its individual merits. Therefore, I attach limited weight to these examples.
29. Given that the site is within a developed part of an established farmstead, the proposal would not result in any encroachment of the countryside and therefore the proposal would not conflict with this or any of the other purposes of the Green Belt. Nevertheless, this and the lack of harm identified in respect of the character and appearance of the area, and the acceptability of the proposal with regard to the living conditions of neighbours, health and safety, highway safety and heritage assets are neutral factors in the overall balance.

#### *Green Belt balance*

30. Having regard to the development plan and national planning policy, the proposal comprises inappropriate development in the Green Belt. There would also be harm arising from the proposal on the openness of the Green Belt.
31. Having taken account of all matters raised in support of the proposal, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to

justify the development do not exist. As such, the proposal conflicts with policies GBSP1 and R21 of the WHDP and the Green Belt provisions of the Framework, 2021.

### **Conclusion**

32. I have found that the proposal would not harm the character and appearance of the area. On the other hand, the proposal would harm the Green Belt, for this reason and conflict with the development plan and the Framework, 2021, I conclude that the appeal should be dismissed.

*M Aqbal*  
INSPECTOR