



Appeal Decision

Site Visit made on 18 October 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/R3325/W/21/3277419

Lysander Road, Preston Plucknett, Yeovil BA20 2AU

- 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 Hutchison UK Ltd against the decision of South Somerset District Council.
 - The application Ref 21/00667/TEA, dated 20 February 2021, was refused by notice dated 27 May 2021.
 - The development proposed is described as proposed 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the postcode from the Council's appeal questionnaire as this would appear to correctly identify the address of the appeal site. There was a typographical error in the appellants name on the planning application form which I have corrected above.

Procedural Matter

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.

Planning Policy

4. The Council have referred to a number of development plan policies in its decision notice. However, the principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters set out in the main issue.
5. My attention has also been drawn to the guidance in the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 (updated 22 December 2016) although I note

that the Civil Aviation Authority did not respond to the Council's consultation and the Ministry of Defence advised they have no safeguarding objections in respect of the proposal.

Main Issue

6. The main issue in respect of this appeal is whether the siting is appropriate having regard to the effect on the safe operation of the adjacent airfield and helicopter development and manufacturing site and, in the event of any harm being identified, whether that harm would be outweighed by the benefits of the proposal and the lack of less harmful alternative sites.

Reasons

7. The appeal site is located within 580m of an airfield and helicopter development and manufacturing site. The operators have raised an objection to the appeal proposal on the basis that the emissions from the proposed installation could interfere with the testing and development of certain technologies (including defence and national security related assets) which utilise radio frequencies. They also advise that if this were to occur, it would be necessary either to relocate the test facility or construct a physical barrier to eliminate interference (both at considerable expense) but that a reduction in the height of the monopole to 12m or confirmation that the power output of the proposed installation would not exceed that of a nearby 4G installation would enable them to withdraw their objection.
8. I recognise the importance of the expansion of electronic communications networks and that it is a key part of the economic growth strategy for the UK. Indeed, paragraph 114 of the Framework supports the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and I find that there is no basis to question the appellant's contention that the equipment is necessary to achieve the required 5G network coverage.
9. However, paragraph 116 of the Framework states that local planning authorities should ensure that they 'have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.'
10. I note that the appellant reduced the height of the monopole during the application process from 20m to 15m. However, this does not meet the 12m required by the operator of the airfield and no information has been provided regarding the power output of the proposed installation. In the absence of this evidence, I cannot be satisfied that the appeal proposal would not have a harmful effect on the safe operation of the airfield and manufacturing facility close to the appeal site, particularly in respect of the testing and development of defence and national security assets. As such, I find that the proposed siting of the monopole could have a harmful effect on public safety contrary to the provisions of the Framework I have set out above.
11. I also find that the proposal is contrary to Policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028) which seek the creation of safe environments and only permitting development which would result in harm to safety if the potential adverse effects could be mitigated to an acceptable level, respectively. The appellant argues that these policies are not relevant to the

appeal but given that they relate to the prevention of harm to safety, I find that they are a material consideration in my determination of the appeal.

12. The appellant has provided information regarding five alternative sites which have been considered and discounted. The information provided is scant and I have not been provided with evidence which categorically excludes the possibility of mast sharing the two existing nearby installations.
13. In addition, there is conflicting information about whether a 12m high monopole is a realistic possibility. On the one hand, there is a suggestion that the monopole needs to be 15m to clear ICNIRP guidelines and as such, there is no scope to lower the monopole but on the other hand there is information which advises that if the monopole was below 15m it would need to be positioned in a more exposed location without the benefit of tree screening.
14. Whilst the need for the installation weighs in favour of the proposal, taking both these points together, I am not convinced that less harmful alternatives have been fully explored and it is my overall view that the need for the installation does not in this instance outweigh the harm to public safety that I have identified.

Conclusion

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

Alison Fish

INSPECTOR