



Appeal Decision

Site visit made on 6 December 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/C3620/W/21/3270777

Bookham Commons, Church Lane, Greater Bookham, Leatherhead, KT23 3JY, 512943, 155662

- 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 EE Limited against the decision of Mole Valley District Council.
 - The application Ref MO/2020/1990/DET, dated 10 November 2020, was refused by notice dated 5 January 2021.
 - The development proposed is erection of 1 No. 15m high Alpha 8 'telegraph' pole with 3 No. shrouded antennas, 3 No. ground-based equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of 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 GPDO 2015) for siting and appearance of 1 No. 15m high Alpha 8 'telegraph' pole with 3 No. shrouded antennas, 3 No. ground-based equipment cabinets and ancillary development thereto at land at Bookham Commons, Church Lane, Greater Bookham, Leatherhead, KT23 3JY (512943, 155662) in accordance with the terms of the application Ref MO/2020/1990/DET, dated 10 November 2020, and the plans submitted with it including plan numbers 78489 2 GA 01 Rev D, 78489 2 GA 05 Rev D and 78489 2 GA 06 Rev D.

Preliminary Matters

2. The provisions of the GPDO 2015 (as amended), 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. This current prior notification follows a previous prior notification for the installation of a 20m mast that was refused by the Council in October 2020 on the grounds that the mast would form an intrusive feature at odds with the rural setting.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed telecommunications installation upon the character and appearance of the area.

Reasons

5. The installation would be sited at a grass verge on the north side of Church Road on the edge of Bookham Common. Immediately north of the site is mature vegetation interspersed by tall trees. This vegetation wraps around the grass verge meeting with the highway east and west of the verge. Further north is a railway line with Bookham Common beyond. South beyond the highway is open land. The site itself has a rural character and forms part of a public green space. A short distance to the west is residential development and Bookham Station.
6. The Mole Valley Landscape Character Supplementary Planning Document profile for the Ockham and Clandon landscape, of which the site forms part, states that the connection with the landscape is particularly strong near the railway station, where fingers of Common land project right into the village, along Church Road and Little Bookham Street. I acknowledge that the site forms part of the Bookham Common landscape.
7. The mast and cabinets would be clearly visible in localised views of the site and in the approach to the site when travelling in both directions along the Church Road. However, the tall trees within the adjoining vegetated area would form the backdrop to the mast in views on the approach to the site. In the wider environs of Church Street there are streetlights at intervals, albeit the mast would be a taller structure. However, the locality hosts vertical features within the street scene and this forms part of the character and appearance of the area.
8. In its immediate environs the mast would be a visually prominent installation toward the back of the verge and would be clearly visible in relatively short distance street views, particularly in views where there are gaps in the trees and where the vegetation would be lower than the mast. The mast would be a tall structure, but it would be slimline in appearance. It would be clearly visible in the public realm to those travelling past the site and in northern views from the open land to the south. Nonetheless, in wider views the mast would be seen against the backdrop of the trees within the adjoining vegetation, and this would assist in reducing the visual impact of the mast. Despite being taller than the lampposts, I do not consider the mast would appear unduly conspicuous within the context of the existing street lamppost furniture and trees present within the immediate area.
9. The National Trust raise concern that the mast would be seen from public paths within the Commons. There are trees between the site and the railway line. Even if the top of the mast would be visible from public paths within the Commons, these would be distant views. As such the mast would not be overly discernible in views from Bookham Common north of the site.
10. In addition to the mast, there would be a number of ground-based structures comprising cabinets. In views from Church Road the cabinets would be seen against the backdrop of the existing vegetation. However, in the more immediate views of the site the cabinets would appear as a cluster of street furniture. I saw that the topography of the land within the verge is slightly lower than that of the footpath and that the location of the cabinets would nestle into the existing vegetation at the back of the verge. I do not consider this small collection of cabinets that are of limited height would create a visual

clutter of street furniture such that would be substantially visually harmful to the area.

11. Consequently, taking these matters collectively, I do not consider the telecommunications installation would be so visually intrusive to cause significant visual harm to the rural setting of the area.
12. I have been provided with a photograph that shows the verge and background vegetation are visible in the outlook from the living room of a residential property southwest of the appeal site. However, there would be separation between respective developments. Whilst the mast would be visible to residential occupiers in outlook, this would be in relatively distant views. I do not consider the telecommunications installation would be substantially harmful in the outlook of existing residential occupiers.
13. For these reasons, I conclude that the proposed telecommunications installation would not harm the character and appearance of the area. The principle of the development is established by the GPDO 2015 and does not require regard to be had to the development plan. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance. The proposal would not materially conflict with Policies ENV22 and ENV62 of the Mole Valley Local Plan October 2000 and Policy CS14 of the Mole Valley Local Development Framework Core Strategy October 2009. These policies seek, amongst other matters, development to respect the character and appearance of the locality and require masts, and associated equipment, to be of appropriate materials, colour and design to minimise obtrusiveness.

Other Matters

14. The Council contends that other sites could be suitable for a telecommunication installation. Third parties have questioned the need for the mast highlighting an existing mast at the train station and another 480m approximately from this site. Concern is expressed to testing maps used to inform the prior notification as they are identical to previous telecommunication applications, despite a new mast having been installed in the area. Reference is also made to a telecommunication installation that is subject to a current appeal west of Bookham station. Some survey work has been carried out by a third party which provides information relating to signal speeds locally.
15. Nonetheless, as I have found the proposal to be acceptable it is not necessary for me to consider the merits of alternative potential locations or the need for the installation.
16. Bookham Common is a designated Site of Special Scientific Interest that holds importance for its plants, birds and other species. The National Trust indicates that the land is in their ownership. Attention has been drawn to Section 29(1) of the National Trust Act 1907 that states National Trust common land should be kept unenclosed and unbuilt on as open spaces for the recreation and enjoyment of the public. The National Trust Act 1971 gives further powers to do works on common land. It is possible that, as a result of other legislation, the telecommunications operator will need to seek other permission or authority to undertake the installation at this site. However, that is separate to the GPDO prior approval process and does not form part of the considerations pertaining to this appeal.

Conditions

17. Any prior approval granted for the telecommunications installation under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO 2015 is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin no later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
18. The Council has put forward conditions that seek to limit the development in a similar way to that set out above. The GPDO 2015 (as amended) does not provide any specific authority for imposing additional conditions beyond those deemed conditions set out in the above paragraph. For this reason, I have not imposed the Council's suggested conditions.

Conclusion

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

Nicola Davies

INSPECTOR