



Appeal Decision

Site visit made on 16 November 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22/12/2021

Appeal Ref: APP/D2510/W/21/3277063

The Green, Chapel St Leonards, East Lindsey PE24 5TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Hutchison UK Ltd against the decision of East Lindsey District Council.
 - The application Ref N/031/00663/21, dated 28 March 2021, was refused by notice dated 27 May 2021.
 - The development proposed is was originally described as 'proposed 20m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As set out in the original description above, the proposal sought prior approval for a 20 metre high monopole. However, during the course of the application, the proposal was revised to instead propose a 15 metre monopole. The Council made its determination on the basis of this revised height, and I have considered the appeal on the same basis.

Main Issue

3. The GPDO sets out that in considering whether to grant prior approval under Schedule 2, Part 16, Class A, the issues to be considered are the siting and appearance of the proposal. The main issue, therefore, is whether the siting and appearance of the proposal would be acceptable, having regard to its effect on the character and appearance of the area.

Reasons

4. The proposal would be located on a grass verge to the edge of The Green, an area of public open space laid to grass with planting and benches. A second, larger area of green open space lies immediately next to The Green. Both are surrounded principally by businesses in what is the centre of the village. The proposed monopole and three associated cabinets would be placed immediately outside of the Co-op supermarket to the northern side of The Green.
5. Although Chapel St Leonards has been extensively developed with caravan parks and campsites, the built form around The Green retains the modest scale and character of a village centre, with development generally consistent in scale, reaching no more than two to two-and-a-half storeys in height. At 15

metres, the monopole would be more than twice the height of the adjacent supermarket and would be wholly at odds with the prevailing scale of development, including adjacent telegraph poles which stand lower than the supermarket. The monopole would have a stark, functional appearance that would physically and visually dominate the immediate surroundings of The Green, becoming an unintentional landmark that would be the focus of views within the open space and an incongruous intrusion into the skyline in longer views on approach from the south-west on South Road and from the north on Sea Bank Road. The height of the mast would also make it visible above other buildings when approaching The Green from the beach along The Pullover.

6. The appellant points to the proposal benefitting from a backdrop of trees. However, the trees are some way to the rear of the supermarket, and not discernibly taller than it when viewed from The Green or other points to the west and south. These trees would provide no effective screening of the proposal. Moreover, the combined installation of the monopole and equipment cabinets on a small grass verge already containing two benches and a bin would create an unduly cluttered area that would severely detract from the quality of the open space. The appellant argues that the cabinets are permitted development and are not subject to prior approval. That may be so, but it is evident that the cabinets are only required in conjunction with the proposed monopole, and therefore it is unlikely that the fall-back position of installing them as standalone structures would be pursued. Therefore, it is reasonable to consider the overall cumulative effect of the proposal. The cabinets themselves would be sizeable, utilitarian structures that would stand incongruously in the street scene and would crudely obscure the frontage of the supermarket.
7. It is also argued that the site is not sensitive, in that it is not within a conservation area or other statutory designation protecting character or landscape. However, that does not mean that the area is without any character or unworthy of protection. For the reasons set out, the substantial height and prominent location of the monopole in the heart of the village, within an area likely to be busy with pedestrians, particularly during the holiday season, would cause significant harm to the character and appearance of the area.
8. I have had regard to the evidence submitted by the appellant in respect of the site selection process. I accept that the height of the mast is dictated by operational and health requirements¹. The appellant sets out that mast sharing is not an option, due to the existing cells being too distant to provide the required coverage for Chapel St Leonards. Several potential locations are considered in the appellant's evidence. The appellant indicates that the site was chosen to be as far as possible from residential receptors to avoid infringing on the amenity of occupants. Eight locations (numbered D1 to D8) are discounted for reasons including inadequate pavement width or proximity to residential properties. However, the actual locations of these sites have not been provided in evidence, hence it was not possible for me to visit these locations to understand the reasons for discounting them.
9. A further shortlist of four options is also set out, which appear to be operationally suitable. Whilst these are marked on an aerial photograph, it is not at sufficient resolution to identify the precise locations. However, from what I could glean from the photo, the discounted sites would be located just beyond

¹ International Commission on Non-Ionizing Radiation Protection (ICNIRP) requirements

The Green to the west and south (Options 2 and 4), and some distance to the south within an area of caravan parks (Option 1). These options are briefly discounted on the basis of proximity to residential properties or the 'high exposure of the immediate vicinity'. It is unclear if 'exposure' in this context refers to health implications (i.e. radiation) or the exposed nature of the site and resulting visual impact. However, the evidence in general lacks detail as to the extent to which these other sites have been considered and discounted. I visited the general areas of the discounted options 1, 2 and 4 as part of my site visit and saw that they did not appear to have the same open character, nor were as exposed to long range views as the appeal site. Given the harm I have identified with the chosen position, I am not persuaded that these other locations away from the heart of the village would be more visually intrusive. On the evidence before me, therefore, I do not find the search and assessment of alternative sites to be sufficiently robust.

10. For the reasons set out, I find that the proposal would not be acceptable in respect of its siting and appearance. Furthermore, the search for and assessment of alternative sites is not sufficiently robust and so I cannot be certain that there are no other sites available where the harm would be less severe. I acknowledge that the proposal would deliver tangible social and economic benefits in the form of improved mobile telecommunications technology in the immediate area, including provision of 5G services, which is supported under Paragraph 114 of the National Planning Policy Framework (the Framework). However, I find that these public benefits would not outweigh the significant harm that would be caused to the character and appearance of the area.
11. So far as they are material, there would be conflict with the aims of Policies SP10 and SP28 of the East Lindsey Local Plan Core Strategy (July 2018) which together require well-designed, sustainable development, including infrastructure schemes, which maintains and enhances the character of the districts towns, villages and countryside. It would also conflict with the Framework, which sets out that new electronic communications equipment should be sympathetically designed, and seeks high quality development generally that functions well and adds to the overall quality of the area.

Conclusion

12. I conclude, therefore, that the appeal should be dismissed.

K Savage

INSPECTOR