



Appeal Decision

Site visit made on 15 February 2022

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/Q3820/W/21/3281649

Rusper Road, Gossops Green, Crawley RH11 0LT

- 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 CK Hutchison Networks (UK) Limited against the decision of Crawley Borough Council.
 - The application Ref CR/2021/0447/TEL, dated 7 June 2021, was refused by notice dated 4 August 2021.
 - The development proposed is described as '18.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require local planning authorities to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. The determination of this appeal has been made on the same basis.

Planning Policy

3. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring express planning permission.
4. Nevertheless, Policies CH2, CH3 and CH7 of the Crawley Borough Local Plan 2015 – 2030¹ (CBLP) are material considerations as they relate to issues of siting and appearance. In particular, those policies seek to ensure that development: contributes to making public spaces and routes attractive; is sympathetic to its surroundings; and does not detract from areas of soft landscaping that has been identified as making a contribution to a neighbourhood in the CBLP. Similarly, the National Planning Policy Framework (Framework) is also a material consideration, including its section on supporting high quality communications.

¹ Adopted in 2015

Main Issues

5. The main issues are: the effect of the siting and appearance of the development on the character and appearance of the area; and, if any harm would occur, whether that would be outweighed by the need for the development to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

6. The development would involve the installation of an 18 metre tall, slimline, telecommunications mast supporting antenna, with a wraparound ground level cabinet (the mast). The mast would form part of Three UK's fifth generation (5G) network roll out.
7. The mast would be sited within a relatively wide verge on the eastern side of the junction between Rusper Road and Hyde Drive (the verge). The surrounding area is residential in character, with the dwellings primarily being of two storeys. At the back edge of the footway encircling the verge there are: an 8 metre tall timber telegraph pole; a 6 metre tall street lighting column; and a 3 metre tall road traffic sign². To rear of the verge there is a hedge and some trees, forming the boundary shared with the dwelling known as The Tummel. Amongst that hedgerow there is what appeared to be an overhead electricity line³, supported by timber poles of a similar height to the previously mentioned telegraph pole.
8. While there are street lighting columns and utility poles within the vicinity of the verge, an 18 metre tall mast would far exceed the height of those items of street furniture. Although the mast would be of a slimline type, its girth would be greater than those of the existing street furniture to accommodate the 5G equipment. I therefore consider the mast would be very conspicuous and that it would have an incongruous appearance in this prominent location. I am not persuaded that the mast's appearance would be softened by the proximity of the nearby trees, given those trees have a maximum height of 15 metres⁴ and are deciduous, with them only being in leaf for around half of the year. I am also of the view that the potential painting of the mast would do very little to disguise its presence.
9. The mast because of its height and siting would be obtrusive for pedestrians and drivers and would not respond well with its context. I therefore conclude that the development would be harmful to the character and appearance of the area.

Need and alternative locations

10. There is no disagreement that there is a need for a mast as part of the appellant's roll out of its 5G network. The expansion of electronic

² Street furniture heights as quoted on the existing site plan drawing

³ Rather than a telephone line, as shown on the application drawings

⁴ As notated on the application drawings

communications networks, including 5G mobile technology, is clearly supported in the Framework.

11. The appellant has undertaken a sequential approach to its site selection, explaining that a new site is required because the following would not be technically feasible: upgrading an existing base station; sharing another operator's mast; adding a mast to a site where there is an existing telecommunication's installation; and undertaking an installation on a building or tall structure. The appellant has considered various locations for the mast and identified the junction of Rusper Road and Hyde Drive as being most suitable. However, the information submitted with the application and the appeal concerning the assessment of the alternative sites is very brief, with nine other locations primarily having been discounted to avoid either obstructing the passage of pedestrians using pavements or detriment to the occupiers of nearby dwellings.
12. The Council has explained it has received a number of applications for 5G installations that would not involve the installation of 18 metre tall masts (paragraph 7 of its appeal statement). The Council has further contended that the appellant did not engage in meaningful pre-application consultation⁵, with the result the Council did not have the opportunity to suggest possible alternative locations.
13. On the evidence available to me I am not persuaded that installing such a visually obtrusive slimline mast at the junction of Rusper Road with Hyde Drive represents the only feasible means by which the appellant could provide 5G coverage in this area.

Planning balance

14. While there is a need for the development in this area and there are technological matters with implications for siting 5G equipment, I consider that the appellant has not demonstrated that there is no alternative to siting an 18 metre mast at the junction of Rusper Road and Hyde Drive. I have found that the mast would cause significant harm to the character and appearance of the area. Notwithstanding the need for the development in the area, I consider that to be outweighed by the harm to the character and appearance of the area that I have identified.

Other Matter

15. Reference has been made to various social and economic benefits. However, they have not been taken into account in considering the matters of siting and appearance, having regard to the provisions of the GPDO.

Conclusion

16. I conclude, for the reasons given above, that the appeal should be dismissed.

Grahame Gould
INSPECTOR

⁵ As promoted in the industry's Code of Best Practice on Mobile Network Development