



Appeal Decision

Site visit made on 21 February 2022

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 1st March 2022

Appeal Ref: APP/V1505/W/21/3280811

Land at Mandeville Way, Basildon, Essex

- 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 Three UK against the decision of Basildon District Council.
 - The application Ref 21/00789/TEL, dated 10 May 2021, was refused by notice dated 28 June 2021.
 - The development proposed is a new 20m high slim line Streetpole with built-in cabinet and 3no. separate equipment cabinets.
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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), for the siting and appearance of a 20m high slim line Streetpole with built-in cabinet and 3 separate equipment cabinets, on land at Mandeville Way, Laindon, Basildon, Essex, in accordance with the terms of the application, Ref 21/00789/TEL, dated 10 May 2021, and the plans submitted with it.

Clarification

2. in the Council's refusal notice and officer report, the reference number of the application is sometimes cited as 21/00789/TEL and at other times as 20/00789/TEL. Having regard to the date of submission, I have assumed that the first of these is correct.

Reasons for decision

3. Mandeville Way is a main distributor road, classified as the B 1036, running through the built-up area of Basildon. On its northern side the road is bounded by a wooded railway cutting, beyond which is the Laindon residential area. On the southern side is a grassed verge and a low wooded embankment, and then the residential suburb of Langdon Hills. The road is designed to modern urban standards, with a segregated footway on one side, road markings, signage and lighting throughout. The speed limit is 40 mph, and at the time of my visit, traffic was moderately heavy; the footway appeared to be only lightly used. Although the greenery on either side provides a pleasant backdrop, the road's main function is clearly that of carrying fast-moving traffic, and it is this function that dominates its character.
4. The proposed development would be sited on the southern verge, between an existing lighting column and a group of young trees. The new mast would be set a few metres back from the edge of the road, and would comprise a 20m-

high supporting pole, with a top-mounted GPS module and three antennae contained in a headframe. The proposed cabinets would comprise a series of small, low-level metal boxes, arranged in a compact row, adjacent to the mast. The Council's objections relate only to the mast itself.

5. The proposed mast would be a relatively tall structure. However, the pole itself, and the equipment mounted on it, would be slim and uncluttered in their profile and shape. Self-evidently, the proposed design is functional in nature, being primarily governed by the purpose that the mast is intended to serve, and the relevant technical and operational requirements. But nevertheless, the appearance would be sleek and modern, and in my view, not unattractive. I appreciate that such matters are subjective, and opinions may differ. But in this case, to my mind, the design is one to which no reasonable objection could be taken.
6. The development would be seen primarily by users of Mandeville Road, in views lengthways along the road, either from moving vehicles or from the footway. In all such views, the proposed mast would be visible from some distance away, but would be seen in the context of the existing lighting columns, and other urban features. The mast would be taller than these, but would otherwise be in keeping with them. In addition, it would be seen against a background of trees, which would soften the effect of the mast's height, and mitigate any impression of over-dominance. The location is not particularly prominent, being within a section of Mandeville Way that is straight, flat and fairly monotonous. Given the area's urban character, and the general lack of sensitivity of the receiving environment in the immediate vicinity, I consider the siting of the development acceptable.
7. I note the Council's contention that the appellants have failed to fully consider the scope for alternative options, including sharing with other operators, using existing buildings, or less sensitive sites. However, no specific alternatives have been suggested by the Council. Based on the submitted evidence, I am satisfied that an appropriate sequential approach has been followed by the appellants, having regard to the need to provide for enhanced 5G services in the area, and the technical constraints on site selection. In any event, I have found the present appeal site to be acceptable, for the reasons already stated.
8. In the National Planning Policy Framework, paragraph 144 emphasises the importance of advanced, high-quality and reliable communications infrastructure, for reasons of economic growth and social well-being, and accordingly, planning authorities are urged to support the expansion of electronic communications networks. This advice adds further weight in favour of the appeal, and reinforces my view that the objections raised in this case are clearly outweighed by the proposed development's benefits.
9. I therefore conclude, for the reasons set out above, that the appearance and siting of the development now proposed are acceptable. In the light of this conclusion, it follows that I find no conflict with saved Policy BAS BE20 of the Basildon Local Plan, adopted in September 2007, which encourages new telecommunications facilities, subject to their impact on the landscape and townscape, and other relevant environmental objectives. The appeal is therefore allowed.

J Felgate
INSPECTOR