



Appeal Decision

Site visit made on 28 February 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal Ref: APP/G2435/W/21/3282451

Land north of Amazon, Beveridge Lane, Ellistown, Leicestershire LE67 1FS

- 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) Ltd against the decision of North West Leicestershire District Council.
 - The application Ref 21/01207/T56, dated 11 June 2021, was refused by notice dated 5 August 2021.
 - The development proposed is 20 metres Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal relates to 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). This requires 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

3. The principle of development is established by the GPDO. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. However, 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 of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed mast on the character and appearance of the surrounding street scene, and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

5. Beveridge Lane is a busy highway through a commercial area. Its south side consists of large commercial buildings including distribution warehousing. Close to the appeal site the buildings are set behind landscaped areas and car parking. The appeal site is alongside a roundabout which forms a junction to Robson Way that leads to further commercial activity. Whereas, the land to the north of the site falls away from the highway and provides wide views of the surrounding countryside. The grass verge, that the proposed mast would be located within, is consequently open within a spacious setting. The site therefore makes a positive contribution to the character and appearance of the surrounding countryside.
6. The proposed mast would be taller and wider than adjacent streetlights. Also, the mature trees adjacent to the site are sparse and significantly lower than the highway. As a result, the mast would not be appreciably screened by existing landscaping or be readily assimilated into the local context. It would be within an area of public realm that would be highly visible in views along both Beveridge Lane and Robson Way. Consequently, the proposed mast would be a stark and strident addition to the streetscene. Furthermore, a condition to control the colour of the mast and its cabinets would not ameliorate this effect. Accordingly, due to its scale, prominent location and an absence of local screening, the proposal would harm the character and appearance of the area.
7. The coverage area of the proposed mast would include the North West Leicestershire area. The coverage map illustrates that the nearest mast is carrying a heavy data load and the cell is congested. The area therefore suffers pockets of poor coverage, particularly with respect to 5G services. Although the need for a mast is not required to be proven by the Framework an absence of coverage can be a material consideration. The Appellant states that the cell search area is constrained due to it being within a predominantly residential area. Nevertheless, the appeal site itself is not within a residential area and instead adjacent to a large commercial area and the countryside, albeit slightly outside the optimum location for the mast.
8. The Framework encourages the reuse and adaption of existing base stations. Furthermore, it states that proposals for new masts should evidence the possibility of erecting antennas on an existing building, masts or other structures. This therefore establishes a sequential approach first favouring the reuse of existing sites.
9. The Appellant identifies that the upgrading of existing sites is not available. In consideration of six alternative base station locations, all within the immediate area, the appellant has suggested that no suitable alternative site exists. However, these appear to be in less obtrusive locations, and it is unconvincing that the width of the footway or visibility at junctions would clearly discount these sites.
10. Insofar as it is a material consideration, I have also had regard to policy D1 and D3 of the Local Plan (2017). These policies, among other matters, seek development to be well designed and for the siting and appearance of masts to ensure that the impact on an area's character and appearance is minimised. As I have found that the proposal would result in harm to the local streetscene it would not accord with the requirements of these policies.

Planning balance

11. The Framework places importance on decisions that support the expansion of electronic communication networks. Such equipment should be consistent with the needs of consumers, the efficient operation of the network and provide reasonable capacity for future expansion. Nevertheless, it also states that new masts should be sympathetically designed.
12. The proposed mast and equipment would not impede pedestrian flow. Furthermore, the benefits of the proposal would include the improved 5G mobile coverage for users of the Hutchison 3G network in the area, along with the economic and social opportunities that this may bring. The improved service would also be of particular benefit to occupiers of the emerging Sustainable Urban Expansion area. Moderate weight is attributed to these benefits given that the improved coverage would be limited to users of this network and the broad scope of the suggested economic and social opportunities.
13. The Framework seeks decisions to support the delivery of an advanced, high quality and reliable communications infrastructure for economic growth and social well-being. Nonetheless, the proposal would be highly prominent in the street where the absence of screening would emphasise views of the proposed mast.
14. Consequently, the suggested public benefits of the appeal proposal would not outweigh the identified harm to the character or appearance of the area due to its siting and appearance. Furthermore, this would not be outweighed by the limited evidence demonstrating why the proposal could not be more appropriately located on an alternative site. Accordingly, the identified harm and conflict with the development plan and the Framework, as it relates to siting and appearance, is not outweighed by other material considerations.

Conclusion

15. For the above reasons, the appeal is dismissed.

B Plenty

INSPECTOR