



Appeal Decision

Site visit made on 23 February 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 MARCH 2022

Appeal Ref: APP/M3835/W/21/3281148

Worthing FC, Woodside Road, Worthing, West Sussex BN14 7JA

- 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 MBNL Ltd against the decision of Worthing Borough Council.
 - The application Ref AWDM/2103/20, dated 17 December 2020, was refused by notice dated 17 February 2021.
 - The development proposed is replacement of 13.8m high mast with 20m high mast supporting upgraded communications apparatus, 5 No. replacement equipment cabinets all inside existing site compound, plus ancillary works 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) for the siting and appearance of replacement of 13.8m high mast with 20m high mast supporting upgraded communications apparatus, 5 No. replacement equipment cabinets all inside existing site compound, plus ancillary works thereto at Worthing FC, Woodside Road, Worthing, West Sussex BN14 7JA in accordance with the terms of the application AWDM/2103/20, dated 17 December 2020, and the plans submitted with it including 002 SITE LOCATION PLAN Issue A, 100 EXISTING SITE PLAN Issue A, 150 EXISTING ELEVATION Issue A, 215 MAX CONFIGURATION SITE PLAN Issue A, 265 MAX CONFIGURATION ELEVATION Issue A.

Preliminary Matters

2. This is an application for Prior Approval. Therefore, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) 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. Matters of energy use, biodiversity, property values and private legal matters fall outside the scope of this decision. This appeal will be determined on this basis.
3. I have used the site address from the appeal form. It adequately and more accurately describes the site than the address given on the application form.

Planning Policy

4. 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 planning permission.
5. Nevertheless, Policies 12 and 16 of the Core Strategy April 2011 (CS) are material considerations as they relate to issues of siting and appearance. Together these policies seek good quality design taking into account the local characteristics and support high quality infrastructure. Similarly, the National Planning Policy Framework July 2021 (the Framework) is also a material consideration and this includes a section on supporting high quality communications. Policy 15 of the CS relates to Flood Risk and Sustainable Water Management and therefore the policies set out above are more relevant to this case.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

7. The appeal site is towards the corner of the grounds of Worthing FC. Around the pitch there is a large stand on one side which has what appear to be two lattice towers on its roof. Beside the stand is a 13.8m tall slim pole-type mast and a 15m tall lattice telecommunications tower with a number of cabinets at ground level. There are tall floodlights in the corners and along the opposite side of the pitch. Functional vertical features are therefore an appropriate part of the existing character of the ground.
8. The Worthing FC grounds are enclosed on three sides by mainly two storey houses and to the other side are bowling greens with residential properties beyond. Generally neighbouring occupiers have an open outlook across the pitch.
9. I understand that alternatives to the proposed structure have been investigated, however taking into account the operational and site specific constraints, an alternative appearance is not possible.
10. Notwithstanding, the proposed mast would be clearly recognisable as a telecommunications monopole. Although higher than the grandstand, the slim pole and its positioning set back from the edge of the pitch would not dominate this structure. Even taking into account that it is less open than the existing lattice structure and its increased height, its scale would not be excessive. Therefore, the proposed design and appearance would be appropriate in the context of this area of functional development.
11. Even though it may be seen in glimpsed public views in some gaps between the surrounding buildings, including the entrance to the bowling greens, its appearance would be appropriate.
12. As such, the siting and appearance of the proposed installation would not have a harmful effect on the character and appearance of the area.

Other Matters

13. The proposed mast would be reasonably slender. Consequently, although it would be visible from surrounding houses and the bowling greens, it would not have an unacceptable adverse effect on outlook, or light. Taking into account the distance from nearby houses, the noise from the development would be unlikely to result in inappropriate living conditions for nearby occupiers in this respect.
14. The mast and equipment would also be visible to spectators. However, any outlook experienced by visitors would be temporary, and it would not obscure nor be so dominant as to be likely to distract from views of the pitch. Consequently, I do not identify harm in this regard.
15. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. Whilst I note that children attend this site, it is not a school. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
16. Given that I do not identify harm with regards to the proposed installation it is not necessary to consider the availability of alternatives.

Conditions

17. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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.

Conclusions

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

H Miles

INSPECTOR