



Appeal Decision

Site visit made on 21 February 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/V1505/W/21/3286320

Area of Grassland, Cranfield Park Road, Basildon, Essex, SS12 9NF, 575323, 191988

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Basildon Borough Council.
 - The application Ref 21/01293/TEL, dated 20 August 2021, was refused by notice dated 12 October 2021.
 - The development proposed is 5G telecoms installation: H3G Phase 8 15m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is allowed and approval is granted under the provisions of 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 5G telecoms installation: H3G Phase 8 15m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets at Area of Grassland, Cranfield Park Road, Basildon, Essex, SS12 9NF, 575323, 191988 in accordance with the terms of application Ref 21/01293/TEL dated 20 August 2021 and drawing nos 002 SITE LOCATION PLAN, 100 EXISTING SITE PLAN, 150 EXISTING SITE ELEVATION, 215 PROPOSED SITE PLAN and 265 PROPOSED SITE ELEVATION.

Preliminary Matters

2. The Council decided not to grant prior approval for the siting and appearance of the proposed development. The principle of the proposed development is established in line with the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order). The appeal will be determined based on the siting and appearance of the appeal proposal only.
3. There is no requirement to have regard to the development plan as there would be in an appeal where planning permission was sought. However, the policies of the Basildon District Local Plan 2007 are material considerations where they relate to the siting and appearance of the proposed development. Policy BAS BE20 specifically addresses telecommunications development. The National Planning Policy Framework is also a material consideration.

Main Issue

4. The main issue is the effect on the character and appearance of the area and, if harm would result from the proposed development, whether it would be outweighed by the need for it.

Reasons

5. The proposed installation would be sited at the rear of the area of open grassland, away from the pavement edge. It would be viewed against the backdrop of established trees and landscaping, although the proposed mast would be significantly taller than any of this planting.
6. The mast would be 15 metres tall, a height necessary to provide 5G coverage in this location. The location would be relatively prominent in the street scene as there are no comparable structures on this piece of grassland, and the mast would be highly visible from surrounding houses and to passing road users. However, it would be viewed in the context of the surrounding street furniture, which includes several streetlamps around the roundabout and a particularly tall streetlamp in the centre of the roundabout. Within this context, the mast would be seen as a single element amongst several similar, if shorter, upright columns.
7. The proposed cabinets would be comparatively low-level structures, with one forming the base of the mast. While their cumulative footprint would be quite large, they would be seen against the backdrop of the established planting and would not appear unduly intrusive in this location.
8. Overall, there would be some harm to the character and appearance of the area from the intrusive presence of the mast on an otherwise open and undeveloped area of grassland.
9. The appellant identified six alternative sites in the area for consideration. However, these were discounted variously for issues of prominence, visibility at road junctions and the restricted width of the pavements on which the proposed installation would be sited. There is no evidence to suggest that sequentially preferable sites exist within the search area that would provide suitable coverage for the appellant's 5G service.
10. The National Planning Policy Framework (the Framework) recognises the importance of high quality and reliable communications infrastructure. It states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology such as 5G. Policy BAS BE20 of the Basildon District Local Plan 2007 states that telecommunications development should not have a significantly detrimental visual impact. However, it also recognises that where there is a conflict the availability of satisfactory alternative sites is a consideration.
11. The harm from the intrusive presence of the mast must be balanced against the benefits of improving 5G coverage in the area, which attracts significant weight as the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. In the absence of any suitable alternative site within the area, the need for the development to provide 5G coverage outweighs the harm that would result. The siting of the proposed installation is therefore acceptable.

Other Matters

12. The appellant has provided a certificate confirming that the proposed installation would comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection. Where this is the case the Framework advises that decision makers should not seek to set different health safeguards. There is no evidence to suggest that this appeal should be determined other than in accordance with national policy in this respect.

Conditions

13. The Order does not provide authority for imposing additional conditions beyond those contained within it. The relevant conditions specify that the development must be carried out in accordance with the details approved and must begin within five years of the date on which approval was given. In addition, any apparatus must 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, or to any other condition as may be agreed in writing between the local planning authority and the developer.

Conclusion

14. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR