



# Appeal Decision

Site visit made on 19 April 2022

**by R Hitchcock BSc(Hons) DipCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 April 2022**

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## **Appeal Ref: APP/T3725/W/21/3285908**

### **B4115, Stoneleigh, Warwick, CV8 3AY (432576, 273100)**

- 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 Hutchinson Networks (UK) Ltd against the decision of Warwick District Council.
  - The application Ref W/21/1461/TC, dated 24 July 2021, was refused by notice dated 23 September 2021.
  - The development proposed is the erection of an 18.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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## **Decision**

1. The appeal is allowed and prior approval is granted for an 18.0m Phase 8 monopole complete with wrapround cabinet at base and associated ancillary works on land adjacent to the B4115, Stoneleigh, Warwick, CV8 3AY (432576, 273100) in accordance with the terms of application Ref W/21/1461/TC, dated 24 July 2021, and the plans submitted with it including: WWK18682\_M001 issue A – 002 site location plan, 210 proposed site plan, 260 proposed elevation, 302 proposed antenna schedule & line configuration and 305 equipment schedule & support structure details.

## **Procedural Matters**

2. Since the time of the Council's decision, amendments have been made to Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) relating to Communications. However, the amendments made under The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (SI 2022/278) do not vary the requirements in relation to the prior approval for the development proposed.
3. The provisions of the GPDO, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO and the provisions of Class A of Part 16 do not require regard be had to the development plan. 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 Issues**

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

6. The site lies within a grassed area forming part of the visibility splay to the north of a crossroads between the B4115, Stoneleigh Road to the east and Birmingham Road to the west. Similar to the other splays at the junction, the land is gently inclined and backed by a low linear mound with a hedge line above. Several trees lie within or immediately behind the hedges about the junction. The location is predominantly surrounded by a landscape of open rolling fields and pockets of woodland.
7. The proposal includes the installation of a mast and open headset set within a base cabinet with an overall height of about 18m. Three additional equipment cabinets would be set to the side. The group would be contained by a low protection barrier.
8. The junction area sits in a local dip in the landscape whereby 3 of the 4 approach roads descend towards it. Consequently, the site is relatively contained in the context of the surrounding open field landscape. Although the junction has a degree of spaciousness on account of the maintained triangular splays about it, the sense of containment is increased by the hedges and trees set on the surrounding embankments.
9. In views about the junction, the scale and standardised appearance of the mast and associated equipment would stand out against the rural appearance of the road corridor. This includes the contrasting modest scale of the highway signage and the integrated timber telegraph poles amongst the tree cover. Despite being the minimum height in order to fulfil its technical requirements, the overall combined height of the mast and open headset, its utilitarian appearance and galvanised steel finish would cause it to be a discordant feature in the countryside setting.
10. In views beyond the immediate junction area, the intended additional height of the mast necessary to clear the height of the trees would, when taken with its appearance, cause the structure to stand out from within the surrounding landscape. However, the setting within the dip and enclosing hedge lines would largely limit views of the proposal to the upper section of the mast. The number and arrangement of trees about the junction and in the surrounding landscape would also offer some screening value despite their substantially deciduous nature.
11. For the most part, wider views would be only glimpsed and tempered by the setting of the broader landscape scale. In those panoramas, the relatively slim section of the mast and subdued colouring against an open skyscape would moderate some of the adverse effects of the siting and design.
12. Such views would be observable from small areas of the nearby village of Stoneleigh, including from limited parts of the western fringe of the Stoneleigh Conservation Area (the CA). The CA consists of the historic village core and fine examples of historically significant vernacular houses and community buildings.

Although the rural setting of the village is significant, the degree of change within the landscape would be minor and would not undermine the overriding rural character framing the CA. Furthermore, the scope for consecutive views of the significant elements defining the character and appearance of the CA and the proposal would be extremely limited. Given the degree of separation and extent of intervening tree cover, I find the effect on the character and appearance of the CA would therefore be neutral.

13. Notwithstanding my finding in relation to the CA, or the appellant's assertion that providing the facility at distance from sensitive receptors would remove adverse effects on the character of the area, I find that the siting and appearance of the mast would cause a moderate level of harm to the character and appearance of the locality.

### **Other Matters**

14. There is general support for electronic communications within Policy BE6 of the Warwick District Local Plan 2011-2029 (WDLP). However, for new installations it seeks demonstration that mast-sharing options have been explored and there are no other technically suitable sites that meet operational requirements and cause less environmental harm. This reflects the requirement at Paragraph 117 of the Framework for the proposals to be supported by the necessary evidence to justify the siting of the development.
15. The appellant has detailed the existing Three UK network in the locality and the subsequent search area for siting of apparatus to provide a continuous network of 5G provision in the locality. Whilst I acknowledge third-party references to other existing masts where sharing might be an opportunity, there is little detail provided to identify those locations or confirm whether they lie within the search area. Nevertheless, the appellant's evidence clearly states that there is no scope to upgrade an existing mast or site share in this instance.
16. The appellant has included details of alternative sites within the search area that were discounted. The majority of these lie in closer proximity to Stoneleigh village where its visibility would be greater to local residents. Furthermore, although not discounted on the basis of potential effects on the CA, the majority of those sites would lie closer or within the CA where the magnitude of environmental harm would increase. Sites to the south of the sensitive area would be frustrated by the extent of tree cover.
17. Having regard to the information submitted, I am satisfied that the location on a classified road benefitting from existing vegetation screening, away from the village and CA, and avoiding roads of a more intimate rural character, would result in the least environmental harm within the relevant search area.
18. In support of the proposal, the appellant highlights the strong support for high quality and reliable communications infrastructure found in the Framework. The appellant also directs me to the social and economic benefits arising from enhanced 5G coverage and capacity. Those benefits would derive from increased data capacities, connectivity and reliability. It could facilitate a broad range of 'smart' applications including health and transport uses which would provide consumer and business benefits. It would provide for increased productivity, innovation and efficiencies with associated secure service delivery and potential environmental benefits through reductions in the need for travel.

These include established benefits that are recognised in Paragraph 114 of the Framework and are matters that weigh in favour of the development.

### **Planning Balance**

19. I have found that the siting and appearance of the proposal would result in a moderate adverse impact on the character and appearance of the locality. It would conflict with Policy BE1 of the WDLP as it seeks development to positively contribute to the character and quality of its environment.
20. However, consistent with the requirements of Policy BE6 of the WDLP, I am satisfied that the appellant has duly demonstrated that there are no other technically suitable locations that both meet operational requirements and cause less environmental harm. Furthermore, when weighed against the potential public benefits arising from the proposal, I conclude that the harm identified would be demonstrably outweighed by the benefits in the particular circumstances of the case. Accordingly, the development would be consistent with the aims and requirements of Policy BE6 of the WDLP and the Framework read as a whole.

### **Conditions**

21. Any planning permission granted for the mast and works under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and 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.

### **Conclusion**

22. For the reasons given, and having regard to all other matters raised, the appeal is allowed subject to the standard conditions set out in Paragraph A.2 to Part 16 of the GPDO.

*R Hitchcock*

INSPECTOR