



Appeal Decision

Site visit made on 22 March 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/C1625/W/21/3285597

Land at Lampern Wood, Lampern Wood, Dursley, Stroud, Gloucestershire GL11 5BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vodafone Limited and Cornerstone against the decision of Stroud District Council.
 - The application Ref 20/0388/FUL, dated 19 February 2020, was refused by notice dated 26 April 2021.
 - The development proposed is the erection of a 25m lattice mast with antennas and dishes along with ground based cabinets and ancillary works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue are;
 - The effect of the proposed development on the character and appearance of the area, including the Cotswolds Area of Outstanding Natural Beauty (AONB); and
 - The effect of the proposed development on ancient woodland and biodiversity.

Reasons

Character and Appearance

3. In accordance with paragraph 176 of the National Planning Policy Framework (the Framework), great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest protection in relation to these issues. The scale and extend of development in AONBs should be limited.
4. Whilst the settlement of Uley is a short distance from the appeal site, its immediate locality is predominantly characterised by a band of woodland surrounded by agricultural fields. Built form is identified by the dispersed development of houses and farmsteads along Lampern Hill. The appeal site lies on an elevated piece of woodland within an undulating landscape, as such the site is prominent and visible from a number of views in the area. The site is also designated as ancient woodland and covered by a Tree Preservation Order (TPO).

5. The proposed development would be located within an area of woodland, however due to the need to have efficient transmission clear of clutter, the mast would project some 3 metres above the surrounding tree height. Additionally, a dish would be located a further 2 metres higher than the top of the mast.
6. The appellant has provided photomontages detailing the mast in its location on Lampern Hill. From some viewpoints the mast would be seen against the backdrop of the hill. Nevertheless, from much of the surrounding area, including from houses near Lampern Hill, the nearby settlement of Uley and from the surrounding public rights of way and highway network, the mast would be clearly visible protruding above the treeline. Notwithstanding the fact the mast would be painted green, it would still have an industrial appearance that would have a jarring presence above the more natural woodland. This intrusion would draw the eye, harmfully detracting from the attractive landscape and the prominence of Lampern Hill. Moreover, as many of the nearby trees are deciduous the impact of the mast would be exaggerated during winter months.
7. The Council have raised no issues regarding the proposed ground based cabinets and ancillary works with regards to the character and appearance of the area. Given the size and close grouping of this equipment at the base of the mast and their location largely screened by surrounding woodland, they would have a negligible effect upon the area's character and appearance.
8. Be that as it may, the proposed mast would be harmful for the reasons I have set out. It would adversely affect the character and appearance of the area and fail to conserve the landscape and scenic beauty of the Cotswolds AONB.
9. The proposal would therefore conflict with the Stroud District Local Plan (2015) (LP) Policies CP14 and ES7 which seek, amongst other things, to ensure that development respects its surrounding and is of a scale and location that is sympathetic and complements the landscape. The proposed development would also be contrary to paragraph 130 and 176 Framework that seeks to ensure developments are visually attractive and sympathetic to local character and is sensitively located and designed to avoid or minimise adverse impacts.

Ancient Woodland and Biodiversity

10. The appeal site lies within an area of ancient woodland which is also a Key Wildlife Site. The proposed development would be located adjacent to an existing track in a clearing. One sycamore tree would be required to be felled to accommodate the proposal. The appellant has provided a preliminary ecological appraisal and arboricultural report as part of their submission.
11. Whilst the appeal site would only require the felling of one tree the Council are concerned regarding the impact of the proposal on ancient woodland soils and this priority habitat. The appellants submission details that there would be a small impact on the surrounding ancient woodland and proposed to plant additional trees and only undertake work during specified timeframes in order to not disturb or harm any nesting birds, reptiles or terrestrial mammals. The submission also details that a construction environmental management plan would be produced.

12. Paragraph 180 of the Framework requires that development that results in the loss or deterioration of ancient woodland should be refused unless there are wholly acceptable reasons and a suitable compensation strategy exists. Overall the area of the proposed works would extend to some 25 square metres, which in terms of the ancient woodland surrounding the site is a small area. Whilst this would lead to loss of a small area of habitat, this could be mitigated and potentially enhanced via conditions relating to timings of work, tree planting, and management of the site during and after construction. However, as I am dismissing the appeal on other grounds I have not pursued this matter further.
13. The proposal, subject to conditions, would therefore comply LP Policies CP14 and ES6 which seek, amongst other things, to ensure developments contribute to the retention and enhancement of biodiversity interests. The proposed development would also be compliant with paragraph 180 of the Framework.

Other Matters

14. The appellant has provided a reasonably comprehensive list of other sites that have been discounted for the proposed mast. A number have been on the basis of a perceived adverse effect on conservation areas and listed buildings and some others for reasons of operational merit and finite user capacity. That said, and putting aside operational discounting, it remains the case that some of these sites have been discounted without an assessment by the Local Planning Authority. In any event, they would not be sufficient to make the harm I have found in regard to the siting of the appeal scheme acceptable on its own merits.

Planning Balance

15. I have found that the proposed development would harm the character and appearance of the area including the Cotswolds AONB, a matter which attracts substantial weight.
16. Benefits of the proposed development include the economic, social, environmental and health benefits brought about by improved digital communications networks, site sharing between operators and the technical requirements for the mast. When these considerations are combined, they attract considerable weight in favour of the proposal. However, they would not outweigh the harm I have identified to the character and appearance of the area (in particular the AONB), which would be long lasting, detrimentally affecting landscape of the highest designation.

Conclusion

17. There are no material considerations, including the approach of the Framework, and worthy of sufficient weight, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR