
Appeal Decision

Site visit made on 26 April 2022

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 May 2022

Appeal Ref: APP/E2530/W/21/3287020

**Grass verge on Main Street (A151) Between Grimsthorpe and Edenham
Grimsthorpe PE10 0NG**

- 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 Cornerstone and Telefonica UK Limited against the decision of South Kesteven District Council.
 - The application Ref S21/0641, dated 19 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is the installation of a 20m monopole supporting 3 no. antennas, 2 no. equipment cabinets and ancillary development thereto including 1 No. GPS module.
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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 a 20m monopole supporting 3 no. antennas, 2 no. equipment cabinets and ancillary development thereto including 1 No. GPS module at land at Grass verge on Main Street (A151) Between Grimsthorpe and Edenham Grimsthorpe PE10 0NG in accordance with the terms of the application Ref S21/0641, dated 19 March 2021, and the plans submitted with it including Site Location Map no 100A, existing site plan no. 200A, existing elevation drawing no. 300A, proposed site plan no. 201A, and proposed elevation drawing no. 301A.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.

Main Issue

3. The main issues are the effect of the siting and appearance of the proposed installation on the Grade 1 Grimsthorpe Castle Registered Park and Garden 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

4. The proposal relates to the installation of a 20m monopole supporting 3 no. antennas, 2 no. equipment cabinets and ancillary development including 1 No. GPS module. The proposed equipment would be sited within the highway verge to the east of a bend in the road, the A151 which connects Grimsthorpe to Edenham and towns beyond.
5. Opposite this bend on the other side of the carriageway is the outer wall to the kitchen garden which forms part of and the boundary to the Grade I Grimsthorpe Castle Registered Park and Garden (RPG).

Significance of the heritage asset

6. The RPG is described in the official list entry as "an early C16 park, with alterations by Lancelot Brown in 1771, forms the setting for a castle rebuilt in the mid C16 as a country house, surrounded by mid C19 and C20 gardens which contain traces of an early C18 layout by Stephen Switzer".
7. In addition, a series of Listed Buildings (LB) are within the grounds and include Grimsthorpe Castle itself – Grade I, Gardner's Cottage Grade II*, the Stable Block – former stables and riding school, former Laundry Cottage, former Coach House all Grade II. The Appellant seeks to distinguish between these various elements and concludes that the "RPG comprises a series of component parts, not all of which are of equal significance."
8. Overall, the complex of the RPG including both Grade I, Grade II* and Grade II elements is of itself Grade I and can be regarded as of the utmost significance and the main parties do not dispute this position.

The effect of the development on the heritage asset

9. The reason for refusal from the Council refers only to less than substantial harm to a Grade I asset, from the introduction of a modern utilitarian structure which would adversely affect the setting of this designated heritage asset. It is not explicit whether the concern relates to the RPG, Grimsthorpe Castle or both.
10. The Appellant's assessment agrees that there would be harm to a designated heritage asset, that this would be to the RPG as a whole via a change in setting but it is assessed as 'very minor harm which can be regarded as less than substantial, and at the lowermost end of the spectrum'.
11. Due to the siting of the proposed mast, it would be partially obscured by the trees at the edge of the highway verge when viewed from the southeast and northeast. While the mast is designed to stand above the trees in the immediate vicinity, even in winter when out of leaf, the trees would continue to either screen much of the mast from these directions or provide a context such that it would not be seen as a lone vertical structure in the landscape.
12. I also agree with the Appellant's assessment that the mast would be visible in conjunction with elements of the walled garden from certain angles on the approach along the A151. The separation from the wall, the juxtaposition of the intervening carriageway and landscape context provided by the trees will make

the effect quite limited, nevertheless as the council recognise it is a modern utilitarian structure in a rural setting, in close proximity to the listed wall and the environs of the RPG.

13. I would also agree that due to the topography and intervening features the line of site from the Castle and the principal outlook from the Castle is unlikely to be affected and so the areas that may be regarded as most sensitive would be protected.
14. In these circumstances I consider that the harm that would arise to the setting of the RPG would be less than substantial.

Need

15. If allowed, the mast and the associated antennae and infrastructure would provide coverage for Long Term Evolution (LTE) or 4G, Universal Mobile Telecommunications Services (UMTS) or 3G and Global System for Mobile Communication (GSM) or 2G in an area where there is currently no or only a limited service.
16. The mast has also, according to the evidence of the appellant been designed to be 5G ready in the event this is rolled out in this area in the future. From my reading of the evidence the Council have misunderstood the services which would arise in the event the appeal was allowed, but I do not consider this to be material to the outcome.
17. The provision of the services would facilitate not only a significant improvement to the coverage for telecommunications, but they would also allow for modern smart metering in the vicinity of the mast. According to the plots shown, this would provide these facilities for both the villages of Grimesthorpe and Edenham and the land between. I give this public benefit considerable weight in coming to my overall conclusions.

Consideration of alternative sites

18. The Council in formulating their decision, recognised the decision in this case is a balanced judgement, but the Applicant having not responded to enquiries regarding the potential for alternative sites had not fulfilled their duties as expected. It is certainly unfortunate that such a response was not provided, nevertheless the evidence now before me provides a comprehensive picture of the lengths the Applicant has gone to in exploring alternatives.
19. Twelve other sites have been considered including those promoted by the Parish Council, each of which has been discounted due to either technical shortcomings, lack of land owner interest or inadequate coverage from the location identified.
20. It is also worth noting that the Applicant accepts other sites were unsuitable due to adverse effect on LBs. I do not have the evidence before me of the level of effect on any of these heritage assets. It is important to note the Applicant recognises the principal of harm to heritage assets is a material consideration and one which can lead to an unacceptable site being discounted.
21. While recognising the difficulties in finding a suitable site, based on the evidence available to me, I find that suitable means of providing coverage have

been fully explored and there remains very little likelihood of an alternative coming forward in a less harmful location.

The balance between any harm versus any public benefit

22. The siting and appearance of the proposal would adversely affect the significance of a designated heritage asset, a designated heritage asset of the highest importance, but in having explored all reasonable alternatives and none being available the public benefit derived from the provision of the telecommunications mast outweighs the less than substantial harm that I have identified.

Other Matters

23. Edenham and Grimsthorpe Parish Council expressed concern over the potential adverse impact on the setting of Gardner's Cottage, the significance of this heritage asset has not been assessed by the Council or specifically referred to as one which any harm would occur. The Appellant in undertaking a detailed heritage assessment conclude that in respect of this LB and its setting no harm would arise.
24. From what I have seen and read; I would concur with the heritage conclusions of the Appellant on this matter. The cottage is set well back from the road and a good distance from the proposed mast. The modest change in setting at the road side would not materially change the overall balance of considerations and hence the conclusions I have reached.

Conclusion

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

Edwin Maund

INSPECTOR