



Appeal Decision

Site visit made on 20 July 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2022

Appeal Ref: APP/D3640/W/21/3285903

Chobham Road, Chobham GU24 8AR

- 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 CK Hutchison Networks (UK) Ltd against the decision of Surrey Heath Borough Council.
 - The application Ref 21/0892/GPD, dated 1 August 2021, was refused by notice dated 29 September 2021.
 - The development proposed is the installation of a 15.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

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.
3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting. There is no dispute between the main parties in respect of appearance.

Main Issue

4. In the legislative context above, the main issue is the effect of the siting of the proposed installation on highway safety 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 alternative sites.

Reasons

5. The appeal site comprises a grass verge positioned alongside the A3046, running through a semi-rural area interspersed by dwellings and commercial buildings. The site is located directly opposite an existing bus stop and near to

- the A3046 junction with Philpot Lane. A 50MPH speed restriction exists along this stretch of highway.
6. The proposed installation would comprise a 15-metre high monopole, a series of associated cabinets and a safety barrier positioned between the apparatus and a pedestrian footway.
 7. The highway authority had requested a site-specific risk assessment for the requirement of the safety barrier on a highway, together with details of footway widths, equipment dimensions, visibility splays, place for operatives to maintain and inspect the installation and the proposed parking provisions for such vehicles. No such information has been provided.
 8. The appellant contends that the proposed installation is acceptable insofar as character and appearance is concerned. I have no reason to disagree, and this is not in dispute between the main parties. Irrespective of this, I have no evidence to allow me to conclude that the proposed installation would be acceptable from a highway safety perspective, particularly in respect of the ability for personnel to park and access the equipment. As it stands, it may be tempting for drivers to use the verge/footway or nearby junctions as a place to park, even if for a short period of time, to access and inspect the apparatus. This could impede the free flow of pedestrians and vehicles, to the detriment of highway safety and comfort.
 9. I recognise the importance of good, fast, reliable and cost-effective communications. Moreover, there is no basis to question the appellant's contention that the equipment is necessary to achieve the required standard of network coverage. I also note the support in the National Planning Policy Framework¹ (the Framework) for high quality communications, and that this is considered essential for economic growth and social well-being. However, I must balance these public benefits against the requirement for equipment to be appropriately sited.
 10. I have concluded above that the development would be harmful to highway safety, and I do not consider that harm to be outweighed by the support in the Framework for high quality communications.
 11. The appellant has set out 6 discounted alternative locations for a mast and associated apparatus. These were discounted for various reasons, including in some cases their location within or close to a Site of Special Scientific Interest (SSSI). However, I have no substantive information before me which convincingly demonstrates the extent to which masts in those locations in or close to SSSIs would actually affect the SSSI. There is also no substantive information before me to indicate that those other sites should be discounted from a highway safety perspective, notwithstanding reference in one case to a visibility splay. Consequently, I have no substantive evidence which convincingly demonstrates that the appellant has properly explored all other potentially available, and less harmful, alternative options.
 12. Based on the evidence before me, the proposed installation would likely pose a risk to highway and pedestrian safety and the public benefits of the scheme would not be sufficient to outweigh this. Accordingly, the proposed installation would conflict with the relevant provisions of Policy DM11 of the Surrey Heath

¹ Paragraphs 114 to 118.

Core Strategy and Development Management Policies (2012), which in summary requires development not to adversely impact the safe and efficient flow of traffic movement on the highway network.

Other Matters

13. Whilst I acknowledge that the appellant undertook pre-application consultation, including with the Council, this process would not predetermine the outcome of this application. I also note documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP). This matter is not in dispute between the main parties, and I have no substantive basis to consider differently.

Conclusion

14. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A Price

INSPECTOR