
Appeal Decision

Site visit made on 10 August 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/V1505/W/21/3286237

Noak Hill Road, South Green, Little Burstead, Basildon CM12 9SY

Grid Ref Easting: 567453, Grid Ref Northing: 193044

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 16, Class A of the Town & 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 21/01259/TEL, dated 8 August 2021, was refused by notice dated 1 October 2021.
 - The development proposed is described on the appeal form as: Proposed 15.0m 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 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) (GPDO) for the siting and appearance of the proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Noak Hill Road, South Green, Little Burstead, Basildon CM12 9SY, Grid Ref Easting: 567453, Grid Ref Northing: 193044 in accordance with the terms of the application Ref 21/01259/TEL, dated 8 August 2021, and the plans submitted with it including BAN18868_M002 B 002 SITE LOCATION PLAN, BAN18868_M002 B 100 EXISTING SITE PLAN, BAN18868_M002 B 150 EXISTING ELEVATION A, BAN18868_M002 B 210 PROPOSED SITE PLAN, BAN18868_M002 B 260 PROPOSED ELEVATION, BAN18868_M002 B 305 EQUIPMENT SCHEDULE & SUPPORT STRUCTURE DETAILS.

Preliminary Matters

2. 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. My determination of this appeal has been made on this basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to Saved Policy BAS BE20 of the Basildon District Local Plan Saved Policies (2007) and the National Planning Policy Framework (the Framework), as referred to in the Council's decision notice and officer report, only in so far as they are material considerations relevant to matters of siting and appearance. As the principle of the proposal

has already been established by the GPDO, the appeal site's location within the Green Belt is not a consideration in this appeal.

4. The height of the proposed monopole appears to have been reduced from 20 metres to 15 metres during the course of the application being considered by the Council. I have therefore taken the description of the development proposed for the banner heading above from the appeal form, which aligns with that used in the Council's decision notice.

Main Issues

5. Taking the above into account, the main issues are the effect of the siting and appearance of the proposal on the character and appearance of the area, with particular regard to non-designated heritage assets at White Post Farm House and Laindon Common, 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 appeal site is an area of highway verge between the vehicular carriageway and footpath, south of the junction of Laindon Common Road and Noak Hill Road (A176). It is a countryside location, which is sparsely developed and characterised by small collections of rural buildings surrounded by open fields and woodland on the outskirts of Billericay. The junction forms one of the entrances to the village of Little Burstead. The immediate surroundings cannot be reasonably described as residential or urban in character.
7. A small part of Laindon Common abuts the appeal site to the west, and White Post Farm House is a short distance to the south. The Council has described White Post Farm House and Laindon Common as historic features of the area, which comprise non-designated heritage assets. No information has been provided as to what their historic or architectural interests are, or how their significance could be defined.
8. Based on the limited information provided and what I saw during my visit, the significance of White Post Farm House appears to lie in its historic design and appearance as an attractive Victorian former farm house, while the significance of Laindon Common is based on its historic use as an undeveloped and heavily wooded area of public open space. The significance of both heritage assets is derived, to a limited extent, from their rural setting, although this is constrained by the presence of the A176, street lighting, and various signage.
9. The proposal would dominate views along this part of the A176 on account of the height of the monopole and mass of the associated cabinets, in an exposed rural location. Existing heavy planting within the closest part of Laindon Common would shield views of the proposal from Laindon Common Road, but there would be clear long views, especially from the south, along the A176. In all views, the proposed monopole and associated cabinets would be seen as intrusive features which would have a far greater urbanising effect on the locality than existing highway infrastructure.
10. The proposed development would not blend with its surroundings, and it would have a harmful effect on the character and appearance of the area. The level of harm would be moderate because although the proposal would be a dominant,

urbanising feature in the street scene, such infrastructure is not uncommon alongside main roads, even in rural areas and on junctions leading to villages.

11. By slightly eroding the rural character of the area, the proposal would have a harmful impact upon the setting of Laindon Common and White Post Farm House. The level of harm caused to the significance of those non-designated heritage assets would be low, however, as the proposal would not significantly interfere with how the vast majority of Laindon Common is seen and experienced as an historic area of undeveloped public open space, and the basic historic and architectural qualities of White Post Farm House will remain appreciable. Based on the information available, the significance of those heritage assets does not heavily rely on their rural setting.
12. The appellant has provided information which demonstrates that they have followed a sequential test before selecting the appeal site for the proposal, having discounted a number of alternative sites within what they have described as an extremely small and constrained search area. The appellant's statement of case also explains that 15 metres is the lowest height for the proposed monopole to provide adequate 5G coverage.
13. The Council has suggested an alternative site for the proposal which may be more discrete than the appeal site, but as it has acknowledged, this would fall outside the relevant search area. As such, that alternative site would fail to meet the necessary criteria to feasibly improve 5G coverage, as set out in the appellant's Site Specific Supplementary Information¹.
14. Paragraph 114 of the Framework advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning decisions should support the expansion of electronic communication networks. Saved Policy BAS BE20 explains that telecommunication development will be permitted where it does not have a significantly detrimental visual impact on landscape, amongst other things. Paragraph 199 of the Framework advises that great weight should be given to the conservation of heritage assets, and paragraph 203 advises that a balanced judgement will be required, having regard to the scale of any harm, where a proposal would harm the significance of non-designated heritage assets.
15. The evidence before me suggests there are no suitable alternative sites for the proposal to effectively expand the appellant's 5G network. On this basis, as the proposal has been accepted in principle by the GPDO, the need for the proposal to be sited in this location outweighs the moderate harm which would be caused to the character and appearance of the area and the low level of harm which would be caused to non-designated heritage assets.

Other Matters

16. Interested parties have commented on the health implications of the proposal. However, the application was accompanied by an 'ICNIRP Declaration', which certifies that the proposal would conform with the guidelines of the International Commission on Non-Ionizing Radiation for public exposure, which is endorsed by the Framework.

¹ Dated 9 August 2021

Conditions

17. Any planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These 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.
18. The appellant has suggested that the colour of the proposal could be specified as deemed appropriate for the location, to minimise its harm on the character and appearance of the area. Schedule 2, Part 16, Class A of the GPDO does not provide any specific authority for imposing additional conditions beyond those set out above. However, Paragraph A.3(10) refers to minor amendments which may be agreed in writing by the local planning authority following the grant of prior approval. That would be a matter for the main parties to consider.

Conclusion

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

L Douglas

INSPECTOR