
Appeal Decision

Site visit made on 26 September 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/M2840/W/22/3295035

Orchard Lane, Woodnewton, Peterborough PE8 5EE

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of North Northamptonshire Council.
 - The application Ref NE/21/01280/PNT, dated 14 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is described on the application 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 dismissed.

Preliminary Matters

2. There is no dispute between the main parties that the proposal satisfies the limits to permitted development set at Paragraph A.1 to Class A of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). Paragraph A.3 requires that before development can commence a determination be made as to whether prior approval will be required as to the siting and appearance of the development.
3. The Council have referred to a development plan policy in the decision notice. Although 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 be had to the development plan, I have nevertheless had regard to the development plan policy only in so far as it is a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur, whether this would be outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites.

Reasons

Character and appearance

5. The appeal site is part of a grass verge on the northern side of Orchard Lane opposite its junction with Wades Close. The surrounding area is characterised

predominantly by two storey detached and semi-detached dwellings with a play area and playing fields to the north of the site. There are streetlighting columns along both Orchard Lane and Wades Close. The mature trees and hedgerows within the verges, together with the nearby play area and playing field, contribute positively to a semi-rural, verdant character at the village edge.

6. The proposed pole and cabinets would be positioned towards the centre of the grass verge a short distance from the carriageway. The proposal would be of a functional appearance and coloured grey. It would include ground based equipment cabinets which would be of modest size and minimised in their extent. As such, the equipment cabinets would not result in an undue proliferation of street furniture or a visually cluttered street scene.
7. Whilst the proposed pole would be a slimline design, it would nevertheless be significantly taller and wider than nearby streetlighting columns. It would also be higher than neighbouring two storey dwellings. The mature trees within the grass verges along Orchard Lane and those located within the gardens of nearby dwellings would provide some screening of the development in views along Orchard Lane, but would not be as effective in this regard during the autumn and winter months when leaf cover would be reduced. Due to its height and siting, the proposed monopole would be highly prominent from the junction of Orchard Lane and Wades Close and it would also be clearly visible from the play area and playing fields to the north in the gap between the trees.
8. I accept that the proposed pole must be of sufficient height to provide the required coverage and that it would be capable of facilitating mast sharing in the future. However, given its height, width, utilitarian appearance and siting, the proposed pole would be a conspicuous feature which would be at odds with the semi-rural, verdant character of the area.
9. The appellant states that the proposal would benefit from being in an area where the presence of other telecommunications infrastructure has been established, but no substantive details have been provided of other such infrastructure in the area and I did not observe any during my visit.
10. The appellant indicates that the colour of the proposal can be specified as deemed appropriate, however this would not sufficiently mitigate the adverse impact of the proposal, which would arise chiefly as a result of its siting, scale and utilitarian design and appearance.
11. The evidence indicates that the proposal would be a significant distance away from the boundary of the Woodnewton Conservation Area (CA). The Council raised no concerns regarding the effect of the proposal on the character and appearance of the CA or the setting of listed buildings. I see no reason to disagree with that assessment on the basis of the evidence before me.
12. Notwithstanding the above, I conclude that the siting and appearance of the proposal would be moderately harmful to the character and appearance of the surrounding area. I have taken into account Policy 8 (d) of the North Northamptonshire Joint Core Strategy 2011-2031 (adopted in July 2016) which, amongst other things, seeks to ensure that development responds to the local character and setting of an area. Given my conclusion on this matter, the proposal would conflict with this policy as well as with the National Planning Policy Framework (the Framework), including in requiring development to be visually attractive and equipment on new sites to be sympathetically designed.

Alternative sites

13. Applications for telecommunications development should be supported with the necessary evidence to justify the proposal in accordance with paragraph 117 of the Framework. The appellant has followed a sequential approach to site selection. It is stated there are no suitable buildings or site sharing opportunities within the intended cell area that would be capable of accommodating the proposed installation.
14. A number of alternative sites were considered but subsequently discounted. However, the information before me is limited to a map of the cell search area and a very brief explanation as to why each of the alternative sites is unsuitable. The main reasons for discounting the alternatives refer in vague terms to highway concerns; the presence of overhead cables; insufficient pavement width; and exposure and proximity to a retirement home and allotments. There is little detail on how the search for alternative sites was carried out or how sites were selected for further consideration. No substantive evidence has been provided to show that adverse impacts would take place or that locations within the identified alternative sites could not host an installation. I therefore have insufficient evidence before me to be satisfied that the appeal site represents the least harmful option available in the area to meet the additional coverage and capacity requirements.
15. I accept that the search area is highly constrained. However, on the basis of the evidence before me, I cannot be satisfied that alternative sites have been comprehensively assessed or that the appeal site represents the least harmful option available in the area to meet the additional coverage and capacity requirements and so secure the same public benefits.

Other Matters

16. Interested parties express concern about the lack of consultation prior to the application for prior approval being submitted. However, a formal period of consultation was carried out by the Council following receipt of the application, and I have taken into account the views expressed as part of that consultation process, along with those submitted in response to the appeal. I consider that sufficient consultation has been undertaken. The appellant refers to the lack of response from the Council to consultation prior to submission of the application. This is a procedural matter which does not impact on my assessment of the planning merits of the case. The accuracy of the plans is not in dispute between the main parties and I am satisfied that the plans themselves are sufficiently accurate to enable an assessment of the impact of the proposal to be made.
17. Another concern raised by interested parties was in relation to the potential effects on health. However, the appellant has provided a certificate which confirms that the proposal has been designed to conform with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards different from the International Commission guidelines for public exposure should not be set. Whilst I have had regard to the objections from interested parties, the evidence they provide is not sufficiently authoritative to demonstrate that the ICNIRP guidelines would not be complied with, or that a departure from the Framework would be justified on this occasion.

18. The need for the proposed installation has also been questioned. However, Framework Paragraph 118 is clear that Local Planning Authorities should not question the need for an electronic communications system.
19. A number of other comments have been made by the Parish Council and nearby residents, which include concerns about impacts on highway and pedestrian safety; trees and wildlife; loss of income to the Village Hall; interference with electrical equipment in buildings, vehicles and aircraft; the effect on the outlook and value of neighbouring properties; and disruption during construction works. As the appeal is to be dismissed for the other reasons referred to in this decision, it has not been necessary for me to consider these matters further.

Planning Balance and Conclusion

20. Framework paragraph 114 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. I have had regard to the benefits of the proposal, including how it would contribute to the delivery of sustainability and provide an upgrade to digital telecommunications allowing for additional coverage and capacity, including the introduction of 5G technology to the locality. This weighs positively in favour of the proposal.
21. However, on the basis of the evidence before me it has not been demonstrated that the appeal site is the best available option for minimising the effect of the development. Therefore, notwithstanding the need for the proposed installation, and the benefits which would arise from it, the harm to the character and appearance of the area would not be outweighed by the need to site the installation in the location proposed. The appeal is therefore dismissed.

M Ollerenshaw

INSPECTOR