



Appeal Decision

Site visit made on 28 October 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2022

Appeal Ref: APP/D0121/W/22/3300502

Bristol Road, Congresbury, North Somerset BS49 5BE

- 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 Hutchinson Networks (UK) Ltd against the decision of North Somerset Council.
 - The application Ref 22/P/0073/TEA, dated 6 January 2022, was refused by notice dated 21 March 2022.
 - The development proposed is described as 'Proposed 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), 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 and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require that regard be given to the development plan. I have had regard to the policies of the North Somerset Core Strategy (adopted 2017) (Core Strategy), North Somerset Development Management Policies Sites and Policies Plan Part 1 (adopted 2016) (Sites and Policies Plan), and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is 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 it is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternative sites.

Reasons

Character and Appearance

5. The proposed development would comprise a 15m high monopole to which antennas would be attached, along with associated ground level equipment cabinets. The works would be located within a grass verge, alongside a pedestrian footway and busy main road (Bristol Road, the A370). The appeal site is positioned close to a bus shelter, while other street furniture, including street lighting, are nearby.
6. The site is also close to Congresbury village, with nearby uses including residential, retail, and a commercial garden centre. Despite this, the area has a pleasant, verdant, semi-rural character. This is in part due to the mature trees and hedgerow that are located alongside the A370 and beside the appeal site.
7. The proposed development would be highly visible along this section of Bristol Road. Although the monopole would be of a generally slim design, its girth would be greater than nearby streetlights. Furthermore, at 15m in height the proposed monopole would be substantially taller than surrounding vertical features. Trees alongside the A370 would to some extent screen the proposal. However, the monopole would still protrude significantly above these, including the bulky antenna headframe, which viewed against the skyline, would be a prominent and intrusive element.
8. Due to its height and bulk, the monopole would therefore form a visually dominant feature within the streetscene and would be at odds with the character of its surroundings. Irrespective of whether or not the additional cabinets would be permitted development, in combination with the monopole, they would also add street clutter.
9. Concerns have also been expressed by the Council regarding the proposal being sited within the root protection area of nearby trees that are subject to tree preservation orders (TPO), as well as a hedgerow. The development thereby has the potential to cause adverse effects to the nearby trees and hedgerow. The vegetation in question itself makes a significant contribution to the character and appearance of the area. Such loss would therefore result in further harm to the character and appearance of the area. While a loss of trees, would also reduce the level of screening that the appellant identifies as a benefit of this location. Although the appellant suggests that the siting of development is set a sufficient distance to avoid such impacts, no detailed evidence (e.g. arboricultural assessment) has been provided to verify this.
10. The appellant has indicated that it has specified its least intrusive equipment for the development proposal. A willingness has also been expressed to accept a condition in relation to the finish colour of the development, so it may more appropriately harmonise with its surroundings. Whilst this may lessen the overall impact, I do not consider that the concerns regarding the monopole's height and design would be overcome by a specific finishing colour. In any case, the GDPO does not provide any specific authority for imposing additional conditions other than standard conditions set out in Class A.
11. Despite the lack of any statutory area designation, having regard to its siting and appearance, the proposed development would adversely affect the character and appearance of the area. Insofar as they are a material

consideration, the proposal would also be contrary to Core Strategy Policies CS5, CS9 and CS12, as well as Policies DM9, DM10 and DM32 of the Sites and Policies Plan. Together these policies, amongst other matters, seek for developments to be of a high-quality design that protect the character and distinctiveness of the landscape, as well as offering protection to trees.

Availability of Alternative Locations

12. Paragraph 117 of the Framework requires that applications for telecommunications development, including prior approval, should be supported by necessary evidence to justify the proposal. This should include, for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. Due to the potential harm to the character and appearance of the area, it is important that an appropriate search of alternative sites has been undertaken to justify the proposal.
13. I do not doubt that the cell search area for the proposal is extremely constrained. Still, several alternative locations have been identified by the appellant but are discounted for a variety of reasons. This includes issues of coverage, insufficient space, residential amenity and heritage asset constraints. However, I am not convinced from the evidence before me that a comprehensive analysis of all parts of the cell search area has been undertaken. Each of the alternative locations appears to be limited to only those near the public highway. There is also no substantive evidence that sharing of existing sites, or locating the apparatus on nearby commercial buildings, has been properly explored.
14. In addition, the appellant's justification for discounting of the alternative sites is largely vague and unsubstantiated. For example, one location has been discounted based on the presence of overgrown shrubs, yet appears to have very similar characteristics as the appeal site in this regard. As such, the appellants suggestion that the appeal site is the only viable option does not appear to be robust.
15. On this basis, the evidence does not convincingly demonstrate that the appellant has properly explored all potential available alternative options. Consequently, on the evidence before me, I am not persuaded that less harmful alternative sites are not available.

Other Matters

16. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conclusion

17. The need for an installation to provide enhanced coverage in the area weighs significantly in favour of the appeal scheme. However, the proposed siting and

appearance would substantially harm the character and appearance of the area. Furthermore, it has not been sufficiently demonstrated that less harmful alternative sites are not available. Accordingly, the need for an installation in this location does not outweigh the identified harm.

18. For the reasons given above, the appeal is dismissed.

Lewis Condé

INSPECTOR