



Appeal Decision

Site visit made on 4 October 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 NOVEMBER 2022

Appeal Ref: APP/B5480/W/21/3285473

Land at Upper Rainham Road, Elm Park, Hornchurch RM12 4PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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, Telefonica UK Ltd and Vodafone Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref M0003.21, dated 4 March 2021, was refused by notice dated 23 April 2021.
 - The development proposed is the installation of a 20m monopole supporting 6 no. antennas, 2 no. dishes, together with 4 ground-based equipment cabinets within a fenced compound, meter cabinets together with ancillary development thereto.
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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) (hereafter "the GPDO") for the siting and appearance of a 20m monopole supporting 6 no. antennas, 2 no. dishes, together with 4 ground-based equipment cabinets within a fenced compound, meter cabinets together with ancillary development thereto, at land at Upper Rainham Road, Elm Park, Hornchurch RM12 4PA in accordance with the terms of the application Ref M0003.21, dated 4 March 2021, and the plans submitted with it.

Procedural 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, 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, the provisions of which do not require regard be had to the development plan, and the fact that the appeal site is within the Metropolitan Green Belt does not alter this. I have had regard to the policies of the development plan and the National Planning Policy Framework ("the Framework") only insofar as they are a material consideration relevant to matters of siting and appearance.
4. The Council adopted the new Havering Local Plan ("the HLP") in November 2021. At the same time the 2008 Core Strategy and Development Control

Policies DPD, which had been referred to in the decision notice, was withdrawn. The Council's appeal statement referred to the policies of the new plan; as the appellant has had (and took) the opportunity to respond at "final comments" stage it has not been necessary for me to seek further comment in respect of the new plan. Where necessary in my decision below I have referred only to the policies of the HLP.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area 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

Character and appearance

6. The appeal site is a small area of land on the western side of Upper Rainham Road, just north of a bridge carrying railway and London Underground lines across the road. The appellant wishes to establish a new mobile telecommunications base station, which would consist of a 20m monopole with shroud supporting 6 antennas and 2 dishes, along with 4 ground-based equipment cabinets and other ancillary development at ground level. The base station would be within a fenced compound alongside the railway embankment.
7. Upper Rainham Road marks the boundary between open spaces along the River Rom to the west, and the areas of suburban housing to the east. There are trees and shrubs of a variety of types and sizes bounding the open spaces along the western side of Upper Rainham Road, while the nearest housing to the appeal site, facing Upper Rainham Road but accessed via Petworth Way, is three storeys in height. South of the railway bridge Upper Rainham Road becomes Rainham Road, and the general pattern of development is similar, with housing to the east and open space to the west, although immediately south of the railway embankment there is also a council depot. The housing south of the railway bridge on Offa Close is two storeys high, although the slope of the land and retaining walls make it more akin in appearance to three storeys high when seen from Rainham Road. The buildings within the council depot are generally low in height, and largely screened in views from Rainham Road by dense planting behind a wire boundary fence.
8. There are street lighting columns and telephone poles in the vicinity of the appeal site, as well as overhead line equipment serving the railway tracks crossing Upper Rainham Road. However, the evidence before me indicates that the proposed monopole mast would be considerably taller than any of these other structures. The base of the mast and the equipment cabinets would be screened to some extent by the trees on the western side of Upper Rainham Road and the railway bridge and embankment, and when seen close up against the railway embankment the installation would not appear intrusive or incongruous. However, the mainly flat topography of the area and its open character north, west and south of the appeal site mean that the upper parts of the mast would be visible in long views along Upper Rainham Road and Rainham Road, and from the west across the River Rom. In these views it would rise above the treeline rather than being assimilated into the landscape, and as such it would be a prominent and incongruous feature.

9. I therefore find that the proposed mast would cause some harm to the character and appearance of the area. Insofar as they are a material consideration, the proposal would conflict with Policies 25 and 26 of the HLP and Policy SI6 of the London Plan 2021. While recognising the importance of digital infrastructure, these policies also seek to ensure that all development, including mobile telecommunications equipment, respects the character and appearance of, and is successfully integrated with, the surrounding area.

Alternatives

10. The Framework supports the provision of high quality and reliable communications which it states are essential for economic growth and social well-being. Paragraph 114 states says that planning policies and decisions should support the expansion of the electronic communications network, including next generation mobile technology such as 5G.
11. The supporting coverage map submitted with the application demonstrates that the appeal site is at the centre of an area with a deficiency in 4G coverage which the proposals seek to infill. The installation would be used by two network operators, and as well as improved 4G coverage it would provide 5G coverage to the surrounding area. On the basis of the evidence before me, I am satisfied that the appellant has demonstrated that there is an identified need for the proposed development to be located somewhere within the search area
12. The appellant has stated that are no existing mast sites within the search area which would be suitable for upgrading to provide the required network coverage. The appellant provided details of four alternative sites which were considered and discounted for various reasons, including unsuitability of building structures for accommodating the necessary equipment, greater prominence or other visual impact, and insufficient height to provide the required coverage. While the need for a new installation in the area has not been disputed by the Council, it argued that the appellant had not comprehensively considered alternative sites, although no further possible alternatives were suggested.
13. Based on all the evidence before me, including my observations on my site visit, any alternative to within the search area would either be in a more exposed and prominent location within the open spaces to the west of the appeal site around the River Rom, or within the residential streets to the east. In either case, I consider it likely that there would be greater harm to the character and appearance of the area and, in the case of the residential streets, a far greater impact on visual amenity for residents. In contrast, the appeal site is (at ground level at least) a relatively discreet location, and while the height of the mast mean that it would be visible in the wider area its siting mean that it would be seen mainly in oblique, rather than direct, views from the nearest residential properties. Consequently, I am satisfied that there is not a more suitable site for the required facility.
14. The Council referred to an earlier refused application for a base station very close to the appeal site¹, and expressed concern that the current proposed installation would be both taller and bulkier than that previous scheme. However, the appellant has stated that the height and form of the mast are

¹ LPA Ref: M0002.18

necessary to carry the equipment to provide 5G network coverage for two operators. None of the evidence before me persuades me that a development with a lesser visual impact could reasonably be provided on the site while also providing the required network coverage improvements.

15. Taking all of these points together, while the development proposed would cause some harm to the character and appearance of the area, it has been demonstrated that there is an identified need for the proposed equipment within this area and that there are not more suitable alternatives available. These factors outweigh the harm I have identified, and I find the siting and appearance of the proposed development to be acceptable.

Conditions

16. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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.

Conclusion

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

M Cryan

Inspector