



Appeal Decision

Site visit made on 8 November 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/Y9507/W/22/3290215

Highway Land off Station Road, Station Road, Liss, GU33 7AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by EE (UK) Ltd against the decision of South Downs National Park Authority.
 - The application Ref SDNP/21/03859/PA16, dated 21 July 2021, was refused by notice dated 26 November 2021. The development proposed is installation of 1no. 13m monopole with 1no. antenna, 2no. equipment cabinets and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted for installation of 1no. 13m monopole with 1no. antenna, 2no. equipment cabinets and associated ancillary works at Highway Land off Station Road, Station Road, Liss GU33 7AF in accordance with the terms of the application, Ref SDNP/21/03859/PA16, dated 21 July 2021, and the plans submitted with it including: 74561_HW LAND OFF STATION RD SW_001, 74561_HW LAND OFF STATION ROAD SW_002, 74561_HW LAND OFF STATION RD SW_003, 74561_HW LAND OFF STATION ROAD SW_004.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended ('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 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 the policies of the development plan and any related guidance, as well as the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The main parties do not dispute that the appeal scheme meets the requirements of Class A, Part 16, Schedule 2 of the GPDO such that it would constitute permitted development, subject to the condition that prior approval must be sought in relation to its siting and appearance.

Main Issues

5. The main issues are:

- the acceptability of the siting and appearance of the development having regard to impacts on the character of the area including the South Downs National Park (SDNP) and the setting of the Liss Conservation Area (LCA), 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 located on a grassed highway verge. It is outside a medical centre and its car park, at the junction of Station Road and Riverside Close. A belt of mature trees and landscaping separates the appeal site from the railway line and other commercial uses. The presence of grass verges either side of the road generates a noticeably spacious and open character. The area also encompasses street furniture typical of a village location, including slim profile street lights, and telegraph poles at regular intervals.
7. The South Downs Integrated Landscape Character Assessment 2020 (the SDILCA) acknowledges the vicinity of the appeal site is a route for communication infrastructure and the railway, in the context of an otherwise natural landscape.
8. An earlier application for prior approval for a 17m monopole and associated works was refused by the Council on 16 September 2020¹, and subsequently dismissed at appeal on 14 May 2021². I acknowledge the previous Inspector's concerns, in particular those relating to the visual prominence of the monopole arising from its prominent location and height, which in the case of that proposal, would extend significantly higher than the surrounding development. The height of the mast has now been reduced and this brings it to a height comparable to the nearby trees.
9. However, the mast proposed would rise significantly above the height of other lights and telegraph poles in the immediate area and the height of the medical centre. In combination with its diameter which would exceed that of other nearby lights and posts, together with its central position on the grass verge, the mast would appear visually prominent and incongruous within the street scene, and would add to visual clutter. From the nearby public footpaths close to the river, the mast may be screened to some degree by the surrounding trees, however this would inevitably vary throughout the year. In those views the mast would also appear heavily at odds with this spacious and verdant setting.
10. Whilst the size of the associated cabinets has been reduced, by reason of their height and central position on the grass verge, they would also be prominent and appear as utilitarian structures, at odds with the character of the immediate area.
11. The proposed wildflower planting to the surrounding grass verge, and a variation in the colour of the equipment, would not overcome the above

¹ SDNP/20/03062/PA16

² APP/Y9507/W/20/3262210

concerns, particularly given the changing palate of colours of the surrounding trees.

12. As the height of the mast would not exceed the canopies of the surrounding mature trees, and as the site is set on low ground, it is unlikely the development would be visible in any far reaching views across the landscape. For this reason, it would not undermine the 'hidden village' character of Liss or the wider landscape character. The impacts of the proposal would be largely limited to more immediate localised views.
13. Additionally, the appeal site is situated close to the Liss Conservation Area (the LCA). The LCA encompasses much of the main village centre including its commercial uses, and is characterised by small scale traditional buildings generally up to two storeys in height. The architecture of those buildings and their proximity to the railway station, provide the focal point of the village and contribute to the significance of the LCA.
14. The proposed mast would be apparent in views both into and out of the LCA. The effect of the proposal on views out of the LCA is evidenced in part by the appellant's Landscape and Visual Impact Appraisal (LVIA). In view VP1 the mast would be prominent due to its position on the verge in combination with its height and profile. As a substantial utilitarian structure at odds with its surroundings, the proposal would cause less than substantial harm to the setting of the LCA, for the purposes of applying the Framework. This is a matter I return to in the planning balance below.
15. The impact of the development on the character and appearance of the immediate area would result in some visual harm. The proposal would conflict with Policies SD5, SD21 and SD44 of the South Downs Local Plan 2019 (the SDLP) which require among other things that development would not have an adverse impact on special qualities of the area. Moreover, the proposal would conflict with Policy SD15 of the SDLP, which requires development to preserve or enhance the special architectural or historic interest, character or appearance of the conservation area.
16. There would also be conflict with Policy Liss 4 of the Liss Village Neighbourhood Development Plan 2017 (the LVNP) and the 'Roads in the South Downs' guide which combined require the character of the area and surrounding natural features be respected where highway paraphernalia can erode the appearance of a village centre.
17. Nonetheless, the harmful effects of the development would be largely localised from a wider landscape perspective, without causing conflict with Policy SD4 of the SDLP, seeking to conserve and enhance natural beauty, wildlife and cultural heritage of the National Park.
18. Overall, I find the siting and appearance of the development would cause some harm to the character and appearance of the area having regard to the local area and the LCA.

Need and Alternatives

19. The existing coverage plan submitted shows the appeal site lies within an area of 'low data rate indoor' coverage. Based on the technical evidence submitted I am satisfied that the appellant has demonstrated that there is an identified

- need for the proposed development to be located in the broad vicinity of the appeal site.
20. Paragraph 117 of the Framework requires that, for a new mast, evidence be provided that the appellant has explored the possibility of erecting antennas on an existing building, mast or other structure.
 21. The appellant's supplementary information sheet provides details of ten alternative locations that were considered for the proposal. Of these, three are situated a notable distance from the railway line and would not achieve the intended purpose.
 22. The range of other alternatives considered by the appellant include sites around Liss railway station. The appellant highlights these options being discounted for reasons including: network coverage; restrictions created by building heights and walkways; proximity to the LCA; inappropriate existing roof forms; proximity to tall trees; as well as conflict with existing equipment. I have no strong reason to dispute the appellant's findings which are reasonable. No other viable or more optimal alternatives have been put forward by other parties.
 23. In addition, the appellant states that the proposed mast is the lowest impact design, and examples of other mast have been provided which include a more complex design and more visible antenna at high levels. Based on the evidence, I agree that the chosen design, being a simple and consistent pole feature, would be less visually intrusive than other options available.
 24. Overall, the need for the development and adequate site selection are demonstrated by the appellant.

Other Matters

25. 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.
26. With regard to noise disturbance, the development would be positioned outside a medical centre close to the road and railway line. Given the distance from the nearest residential properties, and in the absence of substantive evidence to the contrary, I do not find the siting of the proposal would be harmful during construction or operation.
27. I note that Liss Parish Council have aspirations to redesign the village centre. However, information about that is sparse. The conditions of the GDPO, for approved plans, implementation and removal, would be sufficient to ensure the equipment were removed if it were to become obsolete in the future in any event.
28. Moreover, 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.

Planning Balance and Conclusion

29. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would provide public benefits through improved faster and more reliable network coverage for the local area, which could also be used by the emergency services. Whilst considerable importance and weight is given to the harm to the designated heritage asset, the harm I have found to that asset would be outweighed by the public benefits of the proposal. In reaching this view I have had regard to the earlier appeal decision evidenced, where the Inspector found that less than substantial harm arising in that case, from a taller mast, was outweighed by these public benefits.
30. I have found there to be some localised harm to the character and appearance of the area as well as less than substantial harm to the LCA as a designated heritage asset. However, the need for the development, its associated public benefits, and the absence of more optimal alternatives available, outweighs the harm I have identified. Overall, the siting and appearance of the development is therefore acceptable.
31. For the reasons given above, I conclude that the appeal is allowed and prior approval is granted.

C Shearing

INSPECTOR