



Appeal Decision

Site visit made on 6 December 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/E2205/W/22/3295303

Rock Hill Road, Little Houses, Egerton, Ashford, TN27 9DL.

- 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 (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Ashford Borough Council.
 - The application Ref 21/01644/AS, dated 4 September 2021, was refused by notice dated 29 October 2021.
 - The development proposed is a 17.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and 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) for the siting and appearance of a 17.0m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works at Rock Hill Road, Little Houses, Egerton, Ashford, TN27 9DL in accordance with the terms of the application Ref 21/01644/AS, dated 4 September 2021, and the plans submitted with it including plan title 002 Site Location Plan Issue A, 210 Proposed Site Plan Issue A and 260 Proposed Elevation Issue A.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (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 proposed telecommunications installation upon the character and appearance

of the area and whether the installation would preserve or enhance the character and appearance of the adjacent Egerton Conservation Area (the CA).

Reasons

5. The Framework promotes high quality communications. The Government's ambition is for the majority of the population to have access to a 5G signal by 2027.
6. Policies SP1, SP6 and ENV14 of the Ashford Local Plan 2030 seek, amongst other matters, development to be of high quality design taking into account character, distinctiveness and a sense of place and not to prejudice important views into or out of a CA. I am also directed to the Egerton Parish Design Statement by Egerton Parish Council that states under Guideline 19 that: "All telecommunications equipment should be sited unobtrusively" and draft Policy P4 of the Egerton Neighbourhood Plan: "The parish church of St James is a focus for many key views towards and within the village. Any new development should be sensitive to this and avoid obscuring this significant landmark."
7. The installation would be sited at a highway grass verge on the west side of Rock Hill Road next to a pedestrian crossing and close to the junction with Stitsted Way. To the north are trees within the grounds of Egerton Primary School. The topography of the land rises along Rock Hill Road on the approach to the site and the village centre. The site does not benefit from any protective designations; however, the boundary of Egerton CA is approximately 50m north of the appeal site.
8. The mast and cabinets would be clearly visible in localised views of the site and in the approach to the site from various directions. This part of the village has an open character. There are trees in the area but there is little in the way of street furniture other than some pole signs within the vicinity of the verge. However, the trees within the school grounds would form a backdrop to the mast in some views on the approach to the site, albeit the mast would be a taller structure.
9. In its immediate environs the mast would be a visually prominent installation at the verge, but it would be set away from the highway and within the verge. The mast would be a tall structure, but it would be slimline in appearance. It would be clearly visible in the public realm to those travelling past the site and in vantage points in the public realm on the grass verge when approaching the site in other directions. In some limited views the mast would be seen against the backdrop of the trees at the school. I accept that the mast would be taller than any of the trees close by. However, given its slimline design I do not consider the mast would appear unduly conspicuous in this location.
10. In addition to the mast, there would also be a small number of ground-based structures comprising cabinets. The cabinets would appear as a cluster of street furniture upon the verge. Notwithstanding this, they would be set back from the highway within the verge and close to the stone wall topped by a picket fence that forms the boundary of the school grounds. In some localised views the cabinets would be seen against the backdrop of this school boundary. I do not consider this small collection of cabinets of limited height, alongside the slimline mast, would create a visual clutter of street furniture such that would be substantially visually harmful to the area. Although it would be an installation within the open verge, I do not consider it would be so visually

harmful within this open green space or within the wider context of the area that comprises both houses and the school.

11. In relation to the character or appearance of the adjacent CA, the appeal site would be situated in a relatively open area close to the boundary of the CA. Having regard to Section 16 of the Framework when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
12. The Council's CA Assessment discusses that the core of the village has a distinctive character. This is formed by the church and churchyard with the buildings close by being distinctive individually. Some of those making representation highlight that some of the buildings within the CA are listed. The type of buildings, architecture, along with the age of the buildings within the CA, are important and this gives the CA its significance.
13. The site is beyond the CA boundary although the mast would be seen against the backdrop of the CA on the approach to the village centre along Rock Hill Road. This installation would be of utilitarian appearance and would be seen in the context of existing views into the CA. However, the mast, and to a lesser extent, the cabinets would be seen only briefly in front of this heritage backdrop as one travels along the highway on the approach to the CA. Given the slimline nature of the mast and set back of the installation into the verge, the proposal would not be substantially harmful to views either into or out of the nearby CA. Accordingly, I find that the installation would preserve both the character and appearance of the adjacent CA.
14. Egerton Parish Council are concerned that the installation will obscure the Kentish Ragstone wall which denotes the boundary of the school. It is highlighted that this rock wall is like several other ancient walls in Egerton which are specifically itemised in the emerging Egerton Neighbourhood Plan as heritage features of the village. Concern is raised that the proposed cabinets would have a detrimental effect on the street scene and unnecessarily spoil a heritage feature which is particular to this village. However, the installation would not be positioned directly abutting the wall that might fully obscure views of it. Whilst the installation would be in front of the wall, there would be space and visibility around the installation that would enable the stone wall to be visually appreciated.
15. Taking these matters collectively, I consider there would be no significant visual harm to the street scene, the area or the CA.

Other Matters

16. In relation to concerns raised about highway safety and children crossing the highway, the cabinets would be set back from the highway to ensure sufficient visibility along the highway and at the junction. Although the installation would be on the verge, when crossing the highway there would still be room for pedestrians to wait, either on the pavement or within the verge.
17. Concerns have been raised about potential effects on health and I note that the proposal would be located close to houses and next to a school. Furthermore, concerns have been raised relating to the potential reduction in pupil numbers as a result of the proposed development. 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.

18. It has also been suggested that there are other possibly better locations for the telecommunications installation as an alternative to that of the proposed location. I have also been directed to a 5G 20m monopole and base station near the junction of Crockenhill Road and Forstal Road (ABC ref 20/01262/AS) that was permitted in 2020 and which Egerton Parish Council supported but is said has not yet been installed. It is questioned whether another installation is needed. Notwithstanding this, as I have found the proposal to be acceptable it is not necessary for me to consider the merits of alternative potential locations for this installation.
19. It has been questioned whether there is agreement with Kent County Council to install the development on highway land. However, that would be a matter between those parties and is separate to this appeal.

Conditions

20. The Order 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

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

Nicola Davies

INSPECTOR