



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/22/3294945

Singleton Hill, Singleton, Great Chart, Ashford, TN23 4GJ.

- 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 Ltd against the decision of Ashford Borough Council.
 - The application Ref 21/01494/AS, dated 8 August 2021, was refused by notice dated 23 September 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wraparound 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 15.0m Phase 8 monopole C/W wraparound cabinet at base and associated ancillary works at land at Singleton Hill, Singleton, Great Chart, Ashford, TN23 4GJ in accordance with the terms of the application Ref 21/01494/AS, dated 8 August 2021, and the plans submitted with it including plan title 002 Site Location Plan Issue A; 210 Proposed Site Plan Issue A; 260 Proposed Elevation Issue A; 303 Proposed Antenna Schedule & Line Configuration Issue A and 310 Antenna Headframe & Support Structure Plan 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.
4. This current prior notification follows a previous prior notification for the installation of a 20m mast that was refused by the Council in 2021.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed telecommunications installation upon the character and appearance of the area and siting in regard of highway safety.

Reasons

Character and appearance

6. 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.
7. Policies SP6 and ENV3a of the Ashford Local Plan 2030 seek, amongst other matters, development to respond to character, distinctiveness and sense of place and to respond to landscape characteristics.
8. The installation would be sited at a highway grass verge on the north side of Singleton Hill at the junction of Tithe Barn Lane. Immediately to the northwest are trees and dense vegetation that form a strip of vegetation running alongside Tithe Barn Lane. There are trees within the verge, numerous street lighting columns and signage, an existing telecommunication mast with cabinets, and other street furniture, as well as a bus shelter, all within close proximity of the appeal site. The site does not benefit from any protective designations.
9. The mast and cabinets would be clearly visible in localised views of the site and in the approach to the site when travelling along Singleton Hill and Tithe Barn Lane, as well as at the junction itself. However, the tall trees within the adjoining vegetated area would form a backdrop to the mast in some views on the approach to the site. In the wider environs, as noted above, there are streetlights and trees, albeit the mast would be a taller structure. Nonetheless, the locality hosts vertical features within the street scene and this forms part of the character and appearance of the area.
10. In its immediate environs the mast would be a visually prominent installation at the verge and close to the highway. It would be clearly visible in relatively short distance street views. 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 of the grass verge. However, in wider views the mast would be seen against the backdrop of the trees within the adjoining vegetation, and this would assist in reducing the visual impact of the mast. Despite being taller than the existing lampposts, existing trees and other street furniture, I do not consider the mast would appear unduly conspicuous within the context of the immediate area.
11. In addition to the mast, there would be a number of ground-based structures comprising cabinets. In views from Singleton Hill, Tithe Barn Lane and the junction, the cabinets would be seen against the backdrop of the existing vegetation in some views. However, in the more immediate views of the site the cabinets would appear as a cluster of street furniture close to the highway. They would be visually prominent due to the close proximity to the highway. Notwithstanding this, I do not consider this small collection of cabinets that are of relatively limited height, alongside the slimline mast, would create a visual

clutter of street furniture in addition to that of the existing street furniture such that would be substantially visually harmful to the area.

12. Great Chart/Singleton Parish Council raise concern that the mast would not be visually attractive or sympathetic to the local area and would not be in keeping with the street scene. Local concern is also raised to the appearance of the installation and that it may detract from the village feel of the locality. However, the proposed structures would have a typical utilitarian street furniture appearance that would not be substantially out of keeping in appearance with other existing street furniture in the locality. Local concern is also raised to the installation being too close to houses and school/play school. I acknowledge that some residents would be able to see the installation from their properties, as would those school users, but this does not necessarily correspond to the proposal being visually unacceptable.
13. Consequently, taking these matters collectively, I do not consider the telecommunications installation would be so visually intrusive to cause significant visual harm to the character and appearance of the area. For these reasons, I conclude that the proposed siting and appearance of the telecommunications installation would not harm the character or appearance of the area.

Siting and highway safety

14. Policy TRA7 of the Local Plan requires development that would generate significant traffic movements to be well related to the primary and secondary road network. The proposal would generate traffic during its construction phase and may require access for maintenance. However, telecommunications development is not of the type that of itself would generate traffic movements. It would not involve the creation of a new access or intensification of use of an existing access onto the road network.
15. The Council's highway adviser, Kent County Council (KCC), has raised an objection to the proposal based upon highway safety concerns. These relate to pedestrians and cyclists using the adjacent cycle path/foot path. Their concern relates to potential visibility being obscured by the proposed cabinets and mast as these would be sited close to the highway. The Great Chart/Singleton Parish Council supports KCC concerns relating to the proximity of the mast to the junction of Singleton Hill and Tithe Barn Lane, as do other interested parties who have made representation. It is commented that this is a busy junction that has already experienced accidents and that the mast would block visibility making the junction unsafe and obscure pedestrians' and cyclists' visibility when crossing Singleton Hill road.
16. The installation would be set into the verge providing separation between the installation and the highway. The mast would be slimline and cabinets of limited height. I do not consider that the installation would obscure or impede visibility of on-coming traffic approaching the junction to such an extent that would raise a highway safety concern. Furthermore, the slimline nature of the mast, limited height and set back of the cabinets from the highway would enable cyclists and pedestrians to gain views in either direction along Singleton Hill without obscuring visibility, therefore enabling them to cross safely.

17. Refence has been made to accidents at the junction involving pedestrians, however there is no substantive or clear indication that the proposed telecommunications installation would lead to future accidents.
18. KCC have also commented that any structures placed here would preclude any further junction improvements at this location, however I have not been directed to any junction improvements planned for the future. Concern is also raised over service vehicles parking when attending the site. I note this to be a very busy junction with bus stops located on both sides of the road, immediately opposite and to the south of the proposed location. Any additional on street parking would obstruct vehicle movements. However, on the evidence available to me there is no indication that service personnel would be required to visit the site on a regular basis that might require parking on the highway that would substantially increase highway safety concerns at this junction.

Other Matters

19. Great Chart/Singleton Parish Council along with others making representation raise concern relating to possible noise pollution that the mast might emit and cause disturbance to local residents. However, this claim has not been substantiated. Concerns have also been raised to the wellbeing of nearby trees and the potential for the installation to attract graffiti. On the evidence available to me I am not led to any substantive information that would suggest problems would occur in these respects. It has also been suggested that the proposal would affect property values. However, there is no clear evidence that the proposal would alter house prices.
20. A number of representations have raised concerns about the effect of the proposal on biodiversity and wildlife. The site is not in a protected area of biodiversity/ecology interest and the Council note in their report that there is no evidence of a wildlife habitat in the surround area. I have no substantive reason before me that would indicate biodiversity or wildlife would be harmed.
21. It has also been suggested that there are other possible better locations for the telecommunications installation. Nonetheless, 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.
22. Concerns have been raised about potential effects on health and I note that the proposal would be located close to houses and school/play school. 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.
23. I have been referred to human rights. Having taken into consideration the Human Rights Act 1998 my decision represents an appropriate balance between the interests and rights of the appellant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for

private life and the home and peaceful enjoyment of their properties) and the wider public interest.

24. Some concern has been raised to the extent of the Council's notification exercise with regard to the planning application, however that is a matter to take up with the Council separate to this appeal. In addition, some suggestion has been put forward that the planning application details may be flawed or inaccurate. However, the Council validated, considered and determined the prior approval application. On this basis the Council must have found the details pertaining to the submission to be acceptable. Furthermore, the Officer report does not raise any such concerns.

Conditions

25. 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

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

Nicola Davies

INSPECTOR