



Appeal Decision

Site visit made on 24 November 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/H1705/W/22/3299004

Tile Barn Row, East Woodhay, Woolton Hill RG20 9UU

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/03038/TENO, dated 18 September 2021, was refused by notice dated 17 November 2021.
 - The development proposed is 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) under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the decision maker to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. I note the Council refer to relevant policies of the Basingstoke and Deane Local Plan 2011-2029 in the concluding paragraph of their appeal statement, albeit these were not cited in the reasons for refusal. However, I have not been provided with copies of the cited policies and there is no statutory requirement to have regard to the development plan in the case of prior approvals. My determination of this appeal has been made on this basis.

Main Issues

3. As mentioned, I must assess the proposal on the basis of the monopole's intended siting and appearance related issues to which, in this particular instance, are:
 - the character and appearance of the area, having particular regard to whether the proposed development would conserve or enhance the natural beauty of the landscape within the North Wessex Downs Area of Outstanding Natural Beauty, 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; and
 - highway safety, with specific regard to visibility.

Reasons

Character and Appearance

4. The appeal site consists of a wide grass verge in Woolton Hill, a rural village within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). It is a visually prominent grass verge, situated at the junction of Tile Barn Row and Woolton Hill. The appeal site is surrounded predominately with residential properties, albeit there is a large stable building situated to the north east of the appeal site, associated with the Gainsborough Stud site.
5. Whilst there is some existing street furniture on the verge, including a street sign, a bin, and an existing cabinet, the existing street furniture sits relatively discreetly in the street scene as a result of the relatively low height of these structures. There are no street lights in the area, despite the reference to them in the appellant's statement. The lack of street lights reflects the rural village context of the appeal site and the existing grass verge represents a softening in the more built up part of the village.
6. Whilst there are existing mature trees against which it would be sited, the monopole would be significantly taller, bulkier and more prominent. As demonstrated by the proposed elevation, the proposed 15m monopole would be approximately 6m taller than the height of the existing trees immediately to the rear of the site. Whilst there are taller trees further down Tile Barn Row, these mature trees are markedly different in appearance and character to the proposed monopole and cannot be used as a relevant comparison to the proposal. Whilst the site is directly adjacent to the Gainsborough Stud, which has some large stable buildings associated with it, the site has numerous residential dwellings nearby which are much more modest in size. The proposal would consequently appear visually intrusive and incongruous in the rural village streetscene, harming the character and appearance of the area. Consequently, the proposal would fail to conserve or enhance the natural beauty of the landscape of the North Wessex Downs AONB.
7. I note the use of the 'slimline street pole design', the reduction of height from 18m to 15m, and the suggestion to colour the proposed equipment. However, given that the height of the monopole would be appreciably higher than the trees against which it would be seen, the slimline design of the 15m high monopole would do little to limit the visual impact of the proposal. Whilst a darker colour might assist in minimising the appearance of the equipment against the existing trees, any colouring would not minimise the impact of the proposal once the monopole extends above the height of the trees.
8. It is evident from the maps supplied that there is a need for improved coverage in the area. The need for the installation in this location weighs in favour of the appeal. Moreover, there is no basis to question the appellant's contention that the equipment is necessary to achieve the required standard of network coverage. However, whilst alternative sites have been considered, the appellant's reasoning behind the exclusion of the alternative sites is brief. Therefore, I am not convinced that less harmful alternatives have been properly explored. As such, on the evidence before me, I am unable to rule out that a potentially less harmful siting, or a less intrusive design, may exist.
9. I note the support in the National Planning Policy Framework 2021 (the Framework) for high quality communications, and that advanced, high quality,

reliable communications infrastructure is considered essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. However, the Framework also identifies that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in these regards. Given the circumstances of this case, it is my overall view that the need for the installation does not in this case, outweigh the harm to the AONB that I have identified.

10. I therefore conclude that the siting and appearance of the proposed development would harm the character and appearance of the area, failing to conserve or enhance the natural beauty of the landscape within the North Wessex Downs AONB. The harm would not be outweighed by the need for the installation to be sited as proposed and its social and economic benefits. It would conflict with the Framework which seeks to facilitate the growth of new and existing telecommunications systems but keeping environmental impact to a minimum.

Highway Safety

11. Both Woolton Hill and Tile Barn Row are subject to a 30mph speed limit. Due to the positioning of the proposed monopole at the junction of these two roads, the proposal has the potential to affect the visibility for road users.
12. I note the Council requested a plan showing a 17m forward visibility envelope around the bend, to ensure that it would not reduce forward visibility for vehicles turning left into Tile Barn Row. Whilst the appellant has provided a visibility splay plan, this shows the visibility splay from the junction at Tile Barn Row, as opposed to the requested forward visibility splay.
13. Nevertheless, despite the absence of this plan, the development, would be set away from the edge of the highway, and thereby highly likely to ensure the retention of existing levels of visibility. There would remain a sufficiently wide grass verge and the proposal would not significantly intrude on the sight lines of motorists turning left into Tile Barn Row.
14. Consequently, I consider that the proposal would not cause harm to highway safety, with specific regard to visibility.

Other Matters

15. Concerns have been raised about potential effects on health, particularly the proposed monopole's proximity to residential properties and the village school. 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.
16. A pre-application enquiry was submitted but no response was received from the Council. However, the Council claim that the pre-application enquiry was only submitted 3 days before the prior approval was submitted and without the

required pre-application fee. Therefore, no response was given. Nevertheless, I have dealt with the appeal on its planning merits and found harm for the reasons set out above

Conclusion

17. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Laura Cuthbert

INSPECTOR