
Appeal Decision

Site visit made on 6 December 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/W0530/W/22/3302898

London Road, Sawston, South Cambridgeshire CB22 3SX

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref 22/01878/PRIOR, dated 15 April 2022, was refused by notice dated 8 June 2022.
 - The development proposed is 15.0m Phase 9 super slimline Monopole 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 15.0m Phase 9 super slimline Monopole and associated ancillary works at London Road, Sawston, South Cambridgeshire, CB22 3SX, in accordance with the terms of the application, Ref 22/01878/PRIOR, dated 16 April 2022, and the plans submitted with it, including drawing Nos 002 site location plan, 100 existing site plan, 150 existing elevation a, 210 proposed site plan, 260 proposed elevation.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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.

Planning Policy

3. The Council has referred to a development plan policy in its decision notice. However, 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 be had to the development plan. I have nevertheless had regard to this development plan policy only in so far as it is a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the proposal 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 the potential availability of alternative sites.

Reasons

5. The appeal site is an area of grass verge which does not contain any street furniture. The proposed development would comprise a 15m high monopole, together with associated equipment cabinets at ground level which would be positioned in the centre of the grass verge. The proposal is intended to provide new 5G network coverage to the residential area in and around Sawston.
6. The appeal site is located on the eastern side of London Road in Sawston. London Road contains a combination of predominantly 2-storey buildings (mainly residential), a care home, a residential centre and allotment gardens. A thick hedge containing trees separates the allotments from the road. These trees extend above the existing surrounding built form and provide a greater sense of height against the skyline. Clear views of the allotments can be gained from the street scene between gaps in the vegetation. This results in an open and exposed character to the east side of London Road.
7. The proposed pole would be separated from nearby trees by a footpath and would be noticeably taller than the streetlighting columns and buildings in the surrounding area. Due to its height and siting within the grass verge, and the open character of the area, the proposal would be readily visible from the surrounding area. No additional landscaping is proposed. Nonetheless, nearby trees, one of which is approximately 3 metres taller than the proposed installation, would provide partial screening in views from the north, particularly when in leaf, and the installation would be seen in the context of the backdrop of nearby trees in views from other directions. Thus, whilst the proposal would be visible within the street scene it would not appear prominent or excessive in scale.
8. In light of the above, due to the proposal's siting and appearance, it would not have a harmful effect on the character or appearance of the area and so, insofar as it is a material consideration, would accord with those aims of Policy HQ/1 of the South Cambridgeshire Local Plan (2018) which, amongst other things, seek to ensure that development achieves a high quality of design which is compatible with its location. Given my conclusion on this matter, the proposal would not conflict with this policy or chapter 10 of the National Planning Policy Framework (the Framework).

Other Matters

9. Concerns have been raised about potential effects on health, including health risks for infants. 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 is justified.

10. Concerns have also been raised regarding the proximity of the installation to residential housing. Given the distance of the proposed installation from the closest residential properties, I am satisfied that no undue loss of light, privacy or outlook would occur. Nor would the mast be overbearing when seen from those properties
11. The Framework advises that the use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Interested parties have expressed a preference for alternative sites, including sites in industrial areas. I note that the appellant has undertaken an assessment of alternative sites, including mast sharing, and these were unsuitable. Furthermore, I have found the location to be acceptable in relation to the impact on the character and appearance of the surrounding area.
12. The main parties disagree on whether the ancillary equipment cabinets can be carried out without the need for prior approval. Nonetheless, they form part of the appeal proposal and, as set out in relation to the main issue, I have found that the proposal is acceptable in relation to character and appearance.
13. It is claimed that the request for pre-application advice did not follow the Council's standard pre-application advice procedure. However, that is not a matter for my consideration in the context of this appeal decision.

Conditions

14. 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

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

Nichola Robinson

INSPECTOR