



Appeal Decision

Site visit made on 6 December 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2023

Appeal Ref: APP/D0840/W/21/3289296

Kerrier Way, Camborne TR14 8DB

- 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 against the decision of Cornwall Council.
 - The application Ref PA21/08538, dated 15 August 2021, was refused by notice dated 18 November 2021.
 - The development proposed is 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
-

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 proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works at Kerrier Way, Camborne TR14 8DB in accordance with the terms of the application Ref PA21/08538 dated 15 August 2021, and the plans submitted with it including: KER18316_M002 Issue B.

Procedural 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 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. Nevertheless, Policies 1, 2, 12 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 are material considerations as they relate to issues of siting and appearance. In particular they seek to protect local character and conserve the historic environment. The National Planning Policy Framework (Framework) is also a material consideration.

Main Issue

4. The main issue in this appeal is the effect of the siting and appearance of the proposed installation on the character and appearance of the area including the setting of the Roskear Conservation Area(CA), non-designated heritage assets, the Cornwall and West Devon Mining Landscape World Heritage Site (WHS), 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

5. The appeal site is part of a grass verge located between two pedestrian pavements and on the eastern side of a roundabout forming the junction of Wesley Street, Kerrier Way and Roskear. The surrounding area features a mixture of built form including traditional two storey properties, a large supermarket and associated fuel filling station, and 3 and 4 storey residential development along Kerrier Way. The surrounding highway infrastructure is wide in this location, and consists of a number of modern lampstands, as well as mature planting within the roundabout.
6. The site is also within the Camborne and Redruth Mining District of the WHS, approximately 50m from the CA, and also in proximity to a number of buildings which I am informed are of local heritage significance and are non-designated heritage assets. I am also informed that the footway passing behind the site follows the course of the former Roskear Branch of the West Cornwall Railway, although aside from following its apparent course, little evidence of this can be interpreted within the modern streetscene.
7. The appeal site lies to the south of the CA, and while at a reasonable distance, the proposal would be seen in conjunction with views into the CA. I observed that the CA features a broad mix of design of period properties, some set in generous plots. Insofar as it relates to this appeal the significance of the Conservation Area is primarily derived from its historic street pattern and the range of period properties.
8. The appeal site comprises an area of grass set back from the road behind a pavement adjacent a busy junction. In the relatively limited views of the site from the edge of the Conservation Area it therefore reads as grass verge associated with wide modern highway infrastructure, with more recent development at Kerrier Way and the superstore beyond. The site makes very little contribution to the significance of the Conservation Area and its setting.
9. Given the site's position near a busy roundabout junction, views of the proposal would often be in passing rather than it being a particular focal point. Due to its slender form, the proposed mast would occupy a very small proportion of any views into and out of the Conservation Area. It would nevertheless appear significantly taller than other street furniture and existing trees within the roundabout. However, the existence of three and four storey development within the backdrop of Kerrier Way would help soften its appearance to a certain extent and the presence of lower-level signage including a totem sign associated with the fuel filling station close to the appeal site means that the surrounding area is not entirely open and free from clutter.

10. Therefore, given the degree of separation between the proposal and the Conservation Area, the general mixed character of the area including more modern development, the small footprint and profile of the proposal, and its position adjacent modern highway infrastructure, its siting and appearance would not harm the setting, or significance of the Conservation Area.
11. The locally listed non-designated heritage assets which have been drawn to my attention occupy positions at Roskear adjacent the CA and to the north of the appeal site. From my observations, they derive their significance from their period architecture and associated appearance.
12. The modern design and height of the proposal would be noticeable against the traditional appearance of the non-designated heritage assets, as well as other traditional properties in the near vicinity such as the Christian Science Reading room and Sunday School to the east. However, any views of the proposal from or alongside the surrounding non-designated heritage assets would be experienced among the surrounding environment of varied property styles and designs, vertical elements of street furniture and modern development along Kerrier Way.
13. Viewed in this context, the proposal would not appear incongruous. While featuring a thicker pole, and of a greater height than the streetlights, with exposed antenna at the top, it would overall remain a slimline addition that would not be so bulky as to appear disruptive. In addition, among the variety of nearby street furniture the proposed cabinets, while noticeable, would not appear out of place or read as unduly cluttered within the streetscape. Consequently, the level of harm caused by the proposal to the significance of the non-designated heritage assets would be limited.
14. The WHS is a designated heritage asset of the highest significance, which should be conserved in a manner appropriate to its significance. The Outstanding Universal Value (OUV) is identified as the radical reshaping of the landscapes of Cornwall and West Devon as a result of deep mining. Notwithstanding the historic surrounding built form, and the course of the former Roskear Branch railway line having strong links to the former mining industry, given the slimline appearance of the proposal in an urban area adjacent modern highway infrastructure, there would be no harm to the OUV of the WHS.
15. Paragraph 199 of the Framework advises that great weight should be given to the conservation of heritage assets, and Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
16. Paragraph 114 of the Framework outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Furthermore, planning decisions should support the expansion of electronic communications networks. The appellant has demonstrated that the area surrounding the site does not have a 5G service which would be addressed by the proposal. It would enhance communication facilities to meet current and future demand as well as generating other socio-

economic benefits. These benefits of the proposal are acknowledged and attract significant weight.

17. The appellant has set out the sequential approach in relation to suitable alternative sites for the proposed development. It has identified the search area, which is constrained and largely made up of residential buildings and has outlined that there is no scope to site the proposal outside of this area and still provide 5G coverage. Alternative locations for the siting of the proposal within the search area are assessed and discounted with reasonable justification. I observed the alternative sites and noted proximity to residential dwellings, or other constraints. 'Option 2' has been discounted by the appellant due to a 'build perspective' but this has not been expanded upon. Even if this alternative site were viable, given its proximity to the appeal site, I find that the site would not significantly reduce the limited harm I have previously identified.
18. I acknowledge the various potential economic and social public benefits highlighted by the appellant. In addition, the absence of a suitable alternative site and the need for the installation to be sited as proposed weighs in favour of the scheme. In weighing the harm against the benefits and the need for the installation to be sited as proposed, I conclude that these would outweigh the limited harm that would be caused to the heritage assets and the character and appearance of the area.

Other Matters

19. Within the Council's Officer report, and although not forming a part of the reason for refusal, it is noted that there is a Grade II listed Methodist church some 220m to the south-west of the appeal site. Given the distance, and the intervening large supermarket, I agree with the Council's assessment that the appeal proposal will have no effect on the church, or its setting.

Conditions

20. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the Local Planning Authority received the application, and must 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.

S Harrington

INSPECTOR