



Appeal Decision

Site visit made on 31 January 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/V1260/W/22/3306595

Stanley Green, Stinsford Road, Poole, Dorset BH17 0NF

- 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 Hutchison Networks (UK) Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/00810/PA, dated 9 June 2022, was refused by notice dated 27 July 2022.
 - The development proposed is 5G telecoms installation: 15m high street pole and 3 additional ancillary equipment cabinets and associated ancillary works.
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Decision

1. The appeal is dismissed.

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 and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. Nevertheless, Policies PP27 and PP33 of the Poole Local Plan 2018 (LP) are material considerations in so far as they relate to issues of siting and appearance. In particular they seek to ensure development responds to natural features, provides an attractive public realm and protect biodiversity. The National Planning Policy Framework (Framework) is also a material consideration.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed development upon the character, appearance and biodiversity of the locality, and whether any harm is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

5. The appeal site is part of a grass verge located adjacent a pedestrian pavement and on the north-western side of the junction of Hatch Pond Road and Stinsford Road. The site is located adjacent the Hatch Pond Site of Nature Conservation Interest (SNCI), and opposite the Nuffield Industrial Estate. The surrounding area features a mixture of built form including offices and industrial buildings within the industrial estate, and residential properties located further from the appeal site. The surrounding highway infrastructure is wide in this location, and consists of a number of 10.5m high lampstands, a roadside sign illustrating a map of the industrial estate, as well as a traffic light-controlled junction and mature planting within the verges.
6. The SNCI is an attractive undeveloped area consisting of a large pond, surrounded by mature trees and planting, grass banks and a footpath with occasional seating. The SNCI, although surrounded on all sides by development, has a verdant character which provides an important contrast to the industrial character of the surrounding built form.
7. The appeal site is in close proximity to the highway and separated from the SNCI by a pedestrian pavement. When viewing the site from the east, it would be seen within the backdrop of the SNCI, although when travelling along Hatch Pond Road from the west, or Stinsford Road from the north, it would be seen within the backdrop of the industrial built form. Despite existing streetlights and the industrial site signage, the site, due to the wider grass verges and surrounding mature planting, is read in the context of the character of the SNCI as opposed to the industrial character of the wider area.
8. Viewed in this context, the proposed development would be substantially taller than the existing street furniture, streetlights or trees to the west of Stinsford Road. Additionally, despite being described as slimline, the monopole would be significantly broader than the streetlights. As a result, the proposed 'streetpole' would be clearly visible in views along the adjacent highways as well as the footpaths and public seating areas associated with the SNCI.
9. Furthermore, although the appeal site's position is near a highway junction, the proposed development would be seen to extend the industrial character of the industrial estate into the verdant character of the SNCI due to its utilitarian appearance which would appear jarring against the backdrop and open appearance of the SNCI.
10. 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.
11. Paragraph 117 of the Framework advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed installation. In the case of a monopole this includes a demonstration that the applicant has explored the possibility of siting antennae on existing buildings, masts or other structures.
12. The appellant has demonstrated that the area adjacent, but not within, 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.
13. The appellant has also set out the sequential approach in relation to suitable alternative sites for the proposed development. It has identified the search area, which I acknowledge is constrained and largely made up of industrial and commercial buildings. Alternative locations for the siting of the proposal within the search area are assessed and have been discounted by the appellant.
 14. I observed the alternative sites, such as the nominal location D1, which were discounted due to an unsuitable pavement and grass verges. However, I noted at this location, as well as other locations within the industrial estate, wide verges with no clear indication as to why they would not be suitable given the size of the development indicated within the proposal. Although some other sites have also been discounted due to unsuitable pavements as well as visibility splay concerns, no substantive evidence has been provided demonstrating why these are unsuitable.
 15. I acknowledge that new installations are required given the constraints associated with 5G technology. However, limited substantive evidence has been provided exploring the possibility of siting antennae on existing buildings or other structures, particularly given the scale and character of buildings and structures within the industrial estate which could reduce the impact of the installation on the surrounding area.
 16. Consequently, based on the evidence before me, I am not satisfied that a robust review of the availability of alternative sites within the cell search area has been undertaken to demonstrate that the appeal site represents the only viable option. As such, the proposed installation would be contrary to the aims of Chapter 10 of the Framework, which requires evidence to demonstrate that alternative sites have been explored.
 17. The Council are of the view that insufficient information has been provided indicating that the proposed development could be carried out without effect to biodiversity and ecology but do not explain what the potential effect may be.
 18. While I have not been provided with any ecological appraisals that may have been carried out, I observed that, although in close proximity to the SNCI, the site is a closely cut highway verge, adjacent street lighting and other highway furniture and in close proximity to a well-used pedestrian pavement. Furthermore, while it may be the case that birds nest within the nearby SNCI, I note that the application has been acknowledged by Natural England, and no comments were offered.
 19. Given the character of the appeal site, adjacent street lighting, existing pedestrian disturbance and development proposed, I have no evidence that the siting of the proposal in this location would result in any significant impact on the biodiversity or ecological interest of the SNCI or be contrary to LP Policy 33, insofar as it is a material consideration.
 20. To conclude, I find that although I have no evidence before me that the proposal would result in significant impacts on biodiversity, the siting and appearance of the proposed installation would be harmful to the character and appearance of the area. Insofar as it is a material consideration, the proposed installation would be contrary to LP Policy PP27 which amongst other things

requires development to respond to natural features and provide an attractive public realm. It would also conflict with the overarching principles of the Framework for development to achieve well-designed places for the long term.

Planning Balance and Conclusion

21. I acknowledge that the appellant has demonstrated that there is a particular need for the proposed telecommunications equipment in the area to address existing shortfalls in network coverage.
22. The Framework supports the expansion of electronic communications network, including next generation mobile technology and there would be important social and economic benefits from the proposed development which weigh in favour of the appeal. However, I afford significant weight to the harm to the character and appearance of the area arising from the proposed development on the appeal site. I am not convinced that less harmful alternative sites have been properly explored and it is my overall view that the need for the proposed development does not in this case, outweigh the harm.
23. For the reasons given above, and having regard to all relevant matters raised, I conclude that the appeal should be dismissed.

S Harrington

INSPECTOR