



Appeal Decision

Site visit made on 24 January 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 FEBRUARY 2023

Appeal Ref: APP/L3625/W/21/3287724

Chipstead Way, Woodmansterne, SM7 3NW

- 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 Hutchinson Networks (UK) Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/02365/TED, dated 29 August 2021, was refused by notice dated 22 October 2021.
 - The development proposed is 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 principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), and the provisions do not require regard to be had to the development plan. Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) of the GPDO 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.

Main Issues

3. The main issues are the effect of the siting and appearance of the proposed telecommunications equipment upon 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 any suitable alternatives.

Reasons

Character and appearance

4. The appeal site is a small grass verge located on a prominent corner at the junction of Chipstead Way and Woodmansterne Street in Woodmansterne. The area is mixed use with several shops, community and commercial facilities located amongst low density residential accommodation. There is an open

space to the north of the site which adds to the overall verdant and village feel of the area.

5. The proposed telecommunications equipment comprises a 5G monopole that would stand 15m high with associated antennae and dishes, along with three cabinets at ground level. Due to the girth of the pole, it would appear heavy set, in comparison to the existing slender streetlight columns and telephone poles. The circumference coupled with the antennae attached to the proposal, would provide a top-heavy appearance setting it apart from the lighting columns and other street furniture in the area.
6. The siting is away from pedestrians being located on the verge. However, this positioning adds to the exposed nature of the scheme appearing highly visible in views from Chipstead Road as one approaches the site from downhill. The appellant contends that the site was chosen as it benefits from ample screening provided by tall, mature trees and existing street furniture. From my site observations, I found the site relatively open, with only one mature street tree (copper beech) and a 5m streetlight in the immediate area. These would not adequately screen the proposal in the wider area.
7. Given the relatively open nature of the site and the prominent position in the surrounding area, the monopole would also be appreciably higher than the existing streetlight columns and telephone poles and would project above the general tree line. As such, regardless of its colour, the overly prominent appearance and location of the equipment would be out of keeping with the street-scene, providing visual intrusion to the detriment of the surrounding character and appearance.

Suitable alternatives

8. The Government is committed to supporting the deployment of next-generation mobile infrastructure. This is generally reflected in the Framework. However, while there would be various social and economic benefits arising from the proposal, it is important that any harm, such as that identified above, is minimised in pursuit of these objectives. The appellant has provided details of its sequential approach to site selection. This includes other nearby street locations which were considered and discounted. However, the extent and detail of the evidence provided is very brief.
9. Sites D2 and D8 were discounted due to their sensitive locations, being in close proximity to a scheduled ancient monument and listed building respectively. The rest of the discounted sites were generally discarded due to the proximity to sensitive residential properties. Nevertheless, the appeal site was selected despite the proximity to the residential units in Chipstead Way. Whilst it is acknowledged this site selection may be the 'least worst' option in the locality, interested parties have suggested other alternative locations locally. These include the recycling car park at the Woodman public house; and two alternative grass verges both close to Woodmansterne Sports Club. No substantive details have been submitted as to why these areas of land were not considered and discounted.
10. In this regard, I find that the search and assessment of alternative sites is not sufficiently robust. Consequently, the harm I have identified is outweighed by the need for the installation to be sited as proposed.

Planning Balance

11. Paragraph 114 of the Framework provides that, amongst other things, planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The proposal would provide benefits through the upgrade to digital telecommunications in this area, allowing for additional coverage and capacity, including 5G technology in the locality. The wider benefits have effectively been recognised by the grant of planning permission under Article 3(1) of the GPDO and I have only had regard to them insofar as they relate to the siting and appearance in the context of this case. These factors weigh in favour of the proposal.
12. However, a balance should be struck between visual impact and the need for the proposal to be sited at the appeal site. I have identified that harm would arise to the character and appearance of the local area by siting the monopole here. It would appear visually incongruous. Furthermore, in the absence of sufficient evidence on alternative and discounted options, it has not been demonstrated that the appeal site is the only viable solution with regards to supporting high quality communications.
13. In reaching this conclusion, I have had regard to the National Planning Policy Framework 2021 and Reigate & Banstead Local Plan Development Management Plan, adopted September 2019 (RBLP) policies DES1 and INF3 insofar as they relate to the prior approval matters and seek to protect siting and appearance, although I have not had regard to RBLP policy NHE9 as this relates to Heritage assets and I am unaware of any designations locally to which this would be applicable. As such, the content of this policy is largely irrelevant to the specific harm I have identified.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR