



Appeal Decision

Site visit made on 7 February 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 MARCH 2023

Appeal Ref: APP/L3625/W/21/3289955

Nork Community Centre Car Park, Nork Community Centre, Nork Way, Banstead, Surrey, SM7 1JN

- 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 Cornerstone Telecommunications Infrastructure Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/01843/TED, dated 7 July 2021, was refused by notice dated 25 August 2021.
 - The development proposed is the installation of a 15-metre high telecommunications monopole accommodating 6no. antennas; the installation of 2no. ground-based equipment cabinets; and ancillary works thereto.
-

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 located to the rear of Nork Community Centre (NCC) adjoining Nork Park which has been designated as a Historic Park and Garden and is identified by the Council as a non-designated heritage asset (NDHA).

The surrounding area consists of low-density residential properties, the NCC building, car park and a children's play area. Despite the prevalence of dwellings and other structures the area has an overall open and verdant feel. Existing street furniture in the area includes lighting columns, telegraph poles and an existing telecommunication mast and associated equipment including cabinets located to the front of the NCC.

5. The proposed telecommunications equipment comprises a 5G monopole that would stand 15m high with associated antennae and dishes, along with cabinets at ground level. The ground level cabinets would be effectively screened being located within an existing enclosure to the rear of the NCC. Furthermore, given the presence of the existing monopole and associated cabinets, the proposed location to the rear of the NCC building away from the streetscene, would not introduce development that would be very unusual within the area.
6. Nevertheless, the proposal would be substantially taller than the existing nearby mast, street furniture, buildings and trees and would be bulkier in appearance particularly given the proliferation of the antennae at the top which provides a top-heavy appearance. Furthermore, due to the girth of the pole, it would appear heavy set, in comparison to the existing slender streetlight columns and telephone poles.
7. It is acknowledged that views of the proposal from downhill on Nork Way and Nork Rise to the north of the site could be effectively screened by the existing street trees, thus softening the development especially in the months when the trees would be fully in leaf. In these views and at these distances the visual effects of the development could be moderated. Nevertheless, there would be clear views of the mast from multiple public vantage points, in particular from the public open space and children's play area given that the existing tree coverage would provide less effective screening from these locations, appearing dominant and intrusive in these areas.
8. 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.
9. The appeal site is also within the setting of the NDHA, Nork Park. The National Planning Policy Framework (the Framework) requires that the effect of an application on the significance of as NDHA should be taken into account in determining the application. Little evidence has been provided by either party in respect of the significance of Nork Park or the contribution that its setting makes to the understanding of that significance.
10. From the limited evidence provided, and from my observations during the site visit, the significance of the NDHA, in so far as it is relevant to this appeal, is primarily derived from its evidential value as the remnants of the formal landscaped grounds, including an arboretum, of a now demolished country house. It also has aesthetic value derived from its presence as a large area of open space in the surrounding largely built-up area and the surviving elements of the formal landscaping and layout of the park.
11. It was, however, clear from my site visit that the historic setting of the park has been much altered by the development of twentieth century housing and roads adjacent to the park boundaries. This, in combination with the demolition

of the original house and its outbuildings in the 1930's and 1940's has eroded its historic context. As such, the contribution that the setting makes to the significance of the NDHA is negligible and the introduction of the appeal proposal into its setting would not further undermine the understanding of its significance.

12. Whilst the appeal proposal would not cause harm to the significance of the NDHA, this does not alter my conclusions in respect of the other harm to the area more generally that I have identified.
13. I therefore find that the siting and appearance of the proposal would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of the Framework which expect new development to be of a high standard of design which adds to the overall quality of an area, is visually attractive and is sympathetic to local character.

Suitable alternatives

14. 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.
15. The appellants have indicated that following pre-application consultation, the proposed site was moved from the southwest corner of the NCC site to its current position, following respondents concerns on the visual impact. The appellants have further indicated that the existing 10m monopole providing 2G, 3G and 4G coverage cannot be utilised for the 5G network for technical issues. Furthermore, the existing apparatus cannot be replaced and upgraded following previous unsuccessful applications¹.
16. Other localised sites that have been considered include alternative locations on Nork Way, the junction of Beacon Way, Nork Park Football ground and the roof of the NCC. These have been discounted for a variety of reasons including views from Nork Way, proximity to residential dwellings and structural issues.
17. However, I have been presented with no substantive details why other areas of land in the surrounding area, such as the land to the south of the proposal along Reigate Road (A240) were not considered and discounted. These could have allowed a greater degree of screening and distance from residential properties. Furthermore, from my site observations I noted the presence of other existing telecommunications apparatus in this area. Given the sparse level of detail for the discounted sites; lack of justification in respect to alternative site such as the A240; and the previously refused applications at the existing telecommunication location, it is difficult to understand how or why the choice of the appeal site was arrived at.
18. In this regard, I find that the search and assessment of alternative sites is not sufficiently robust. Consequently, the harm I have identified is not outweighed by the need for the installation to be sited as proposed.

¹ Reigate and Banstead Planning Ref: 15/01976/TED and 18/025016/F

Other Matters

19. Concerns have been raised by interested parties at the application stage about the potential effects on health. 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.

Planning Balance

20. 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.
21. However, a balance should be struck between visual impact and the need for the proposal to be sited in the proposed location. The proposal would cause harm to the character and appearance of the area as a result of its siting and appearance. It has also not been proven that less harmful alternative sites are not available. Based on the evidence before me, it has not been demonstrated that the appeal site is the only viable solution with regards to supporting high quality communications. As such, I do not consider that the harm to the character and appearance of the area that I have identified is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.
22. In reaching this conclusion, I have had regard to the Framework and policies DES1, INF3 and NHE9 of the Reigate & Banstead Local Plan Development Management Plan, adopted September 2019 insofar as they relate to the prior approval matters and seek to protect siting and appearance.

Conclusion

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

Robert Naylor

INSPECTOR