



Appeal Decision

Site visit made on 10 February 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/M1595/W/21/3287294

Muckingford Road, Linford, Thurrock SS17 0QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Thurrock Borough Council.
 - The application Ref 21/01396/PNTC, dated 31 July 2021, was refused by notice dated 11 October 2021.
 - The development proposed is 15.0m Phase 8 Monopole C/W wrapround Cabinet at base 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Muckingford Road, Linford, Thurrock SS17 0QT, in accordance with the terms of the application Ref 21/01396/PNTC, dated 31 July 2021, and the plans submitted with it including plan no. THK18628_M002 Issue B, sheets 002, 100, 150, 210, 260, 303 and 305.

Procedural Matters

2. The Council's decision notice gives the site address as East Tilbury Road, whereas the application form refers to Muckingford Road. The appeal site is at the junction of both roads and there is no uncertainty as to its location, based on the application drawings.
3. The application when originally submitted specified the erection of a monopole mast 18.0 metres in height. However, amended plans were submitted during consideration of the application, showing that the proposed mast would have a maximum height of 15.0 metres. The evidence before me from both parties is on that basis. I have therefore used the amended description as stated on the decision notice in the banner heading and decision above, since this more accurately describes the proposed development.
4. 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.

5. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. Likewise, the question of whether the proposal represents inappropriate development in the Green Belt in principle does not arise. I have therefore had regard to the policies of the development plan and the National Planning Policy Framework (the Framework), including Policies CSTP22, PMD2 and PMD6 of the Core Strategy¹, only insofar as they are relevant to matters of siting and appearance.

Main Issue

6. The main issue is the effect of the siting and appearance 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 any suitable alternatives.

Reasons

Character and appearance

7. The appeal site is an area of grass verge next to a mini roundabout. It is at the edge of the built-up area and adjacent to a public open space. The existing buildings immediately adjacent to the site are in commercial use, although the surrounding development is otherwise mainly residential.
8. The verge is separated from the public open space by a low post and rail fence and a line of perimeter trees. As well as the trees, there are a variety of existing vertical features along the roadside, including streetlamps, telegraph poles and a pub sign. A sign identifying the name of the village stands in the verge, next to the appeal site.
9. The proposed installation would be in a visually prominent location, open to widespread view due to its proximity to the road junction and the public open space. While the adjacent trees would provide some screening at lower levels, the proposed monopole mast would significantly exceed their height. It would also significantly exceed the height of existing streetlamps, telegraph poles and other vertical features. Although the slimline design mitigates the potential impact to some extent, it would still be a more substantial and significantly taller feature than exists at present.
10. While the level of existing street furniture and built development means that the installation would not be inherently incongruous, there is already a moderate amount of visual clutter in the street scene. This is particularly the case at the mini roundabout, due to additional lighting columns and road signs associated with the junction. The level of clutter would be increased and would be further exacerbated by the additional height of the mast and the associated cabinets etc at street level.
11. The village sign would still be visible, but its prominence and distinctiveness would be somewhat undermined, particularly in views along Muckingford Road, in which the mast and cabinets would be in the foreground.
12. For the above reasons, there would be harm to the character and appearance of the area as a result of the prominent location, the height of the monopole

¹ Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) adopted January 2015.

mast in relation to existing trees and the increased level of visual clutter. Accordingly, insofar as they are a material consideration, the proposal would be contrary to Policies CSTP22, PMD2 and PMD6 of the Core Strategy which, amongst other things, require that development responds positively to the surrounding context, including the public realm and the open character of the Green Belt. It would also conflict with guidance in the Framework which requires equipment on new sites to be sympathetically designed.

Alternative sites

13. The Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It therefore supports the expansion of electronic communications networks, including 5G.
14. The application is accompanied by evidence of the need for the proposed installation, to support the roll-out of 5G mobile coverage. This identifies the limited search area within which additional equipment is required. The application further indicates that there are no realistic options for mast sharing or utilising existing structures and that a mast of reduced height would not so effectively meet the identified need. I have been presented with no evidence to the contrary.
15. Within the search area, a number of alternative sites have been identified by the operator. The reasons why these have been discounted variously include more restricted pavement widths, overhanging tree cover, obstruction of visibility and increased proximity to residential property.
16. Although none of the alternative sites would be quite so prominently located at the junction, they would all be highly visible within the surrounding street scene. Pavements and highway verges are narrow along much of the surrounding highway, to an extent that the installation would be likely to hinder pedestrian access and, in some cases, highway visibility. Most of the alternative sites would be significantly closer to existing residential properties and therefore more directly intrusive in their outlook. The alternative sites would have a similar relationship with the edge of the built-up area, such that the any effect on the open character of the Green Belt in visual terms would be comparable.
17. Having considered the alternative sites presented, I conclude that each would be more harmful in terms of siting and appearance than the proposed location. The Council's evidence does not identify any more suitable sites, although the evidence indicates they were given the opportunity to do so at an early stage in the application process. Therefore, based on the evidence before me, I am satisfied that the appellant has demonstrated that the appeal site is the least harmful location available. This weighs strongly in favour of the proposed installation.
18. For the above reasons, I conclude that the harm I have identified to the character and appearance of the area would be outweighed by the need for the installation to be sited as proposed, taking into account the lack of any suitable alternatives.

Other Matters

19. Arrangements for construction of the proposed installation, including parking of construction vehicles, fall outside the scope of this appeal.
20. Reference has been made in the application to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

Conditions

21. Both the appellant and a consultee have suggested use of conditions to mitigate the visual impact of the proposed installation. However, 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

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

Jane Smith

INSPECTOR