



Appeal Decision

Site visit made on 3 March 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 MARCH 2023

Appeal Ref: APP/A2525/W/22/3301188

Wygate Park, Spalding, Lincolnshire PE11 3FF

- 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 South Holland District Council.
 - The application Ref H16-0349-22, dated 28 March 2022, was refused by notice dated 11 May 2022.
 - The development proposed is a 15.0m Phase 9 super slimline Monopole and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary 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.
3. The Council has referred to development plan policies in its decision notice. However, the principle of development is established by the GPDO, and its provisions do not require regard to be had to the development plan. Nevertheless, policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP) (2019) are material considerations as they relate to issues of siting and appearance, and seek to ensure high quality design appropriate to the local area. Similarly, the National Planning Policy Framework (the Framework) (2021) is also a material consideration, and this includes a section on supporting high quality communications as well as the need to achieve well-designed places.

Main Issue

4. The main issue is effect of the siting and appearance of the proposed installation on the character and appearance of the area, and, if any harm is identified, whether this would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Siting and Appearance

5. The appeal site comprises part of a wide grass verge on Wygate Park alongside its junction with Claudette Avenue. Relatively inconspicuous street furniture including lighting columns and road signage is situated nearby. Wygate Park is a tree lined road incorporating a wide landscaped verge along much of its length, and is the principal road through the surrounding residential area. Together with interspersed areas of amenity greenspace, this provides a verdant and spacious character to the area. The formal planting and landscaping along this route also provides a regularity to the streetscene and the impression of a linear parkland feature.
6. The proposed 15m high monopole would be very visible in very long range views along Wygate Park from the west due to the road's straight alignment, and in medium distance views from the east due to its more curved alignment in this direction. These views would encompass the whole monopole due to its siting within the verge. A significant proportion of its upper part would also be visible from some distance along Claudette Avenue and other nearby streets, the open spaces, and from residential properties. While in some instances these views would be broken up by foreground and backdrop vegetation and dwellings, the monopole would rise above the skyline in almost all views.
7. As such, being a tall utilitarian structure with a very significant height difference to anything nearby, it would appear as alien and obtrusive compared to the area's existing character and scale. This is notwithstanding the vertical emphasis of existing nearby light columns, which would be significantly lower and slimmer than the appeal proposal and so would not provide suitable camouflage or assimilation. Similarly, while the trees along Wygate Park are in a general linear formation, they would also not sufficiently allow the monopole to blend into its surroundings due to their lower height and separation distance from the proposed location, with any cover provided also varying seasonally.
8. Although in general a telecommunications installation may not be an unusual aspect of an urban environment, and the area does not have a statutory designation for particular protection for its character, in this instance the monopole would be unduly prominent and dominant in the streetscene across a wide area. I do not find that any particular colouring as could be imposed through a condition would allow for a sufficient merging effect.
9. Insofar as the development plan policies are a material consideration, I find that the proposal would not comply with the SELLP policies 2 and 3 as it would have a harmful impact, would not have a high quality design appropriate to the local area, and would not complement the area's existing scale, views, and massing. Overall, I find that the siting and appearance of the proposed installation would result in significant harm to the character and appearance of the area.

Suitable Alternative Sites

10. I do not question the local need for this electronic communications system as per paragraph 118 of the Framework. However, paragraph 117c) does require evidence to demonstrate exploration of alternative options and sites. The provided evidence does not include detailed mapping of network coverage, or

detailed analysis of the potential for mast sharing, co-location, or installing a base station on an existing building. The exact site search area is not identified.

11. I accept that the proposed position would not impede pedestrian flow or the safety of passing motorists, which are general site selection constraints. However, there is only a brief commentary on discounted site options, with only some identified on a high level map. Without detailed constraint mapping, it is not clear as to how these options were identified. Justification includes distance from the nominal, underground services, density of the residential area, level of overlooking, and being in a green area or a prominent location. However, I have found above that trees and street furniture would not sufficiently mask the appeal proposal such that it would also be prominent, and would also be very close to properties and clearly overlooked from numerous others.
12. Moreover, the appellant identifies that if a lower height monopole was used then it would need to be positioned in a more exposed location to provide adequate coverage. This does not sufficiently indicate that all potential options and sites for a lower monopole have also been suitably discounted. Additionally, interested parties have drawn my attention to the future proximity of the new relief road under construction around Spalding, for which the appellant has not provided any information to discount as an option.
13. Overall, I am not persuaded from the evidence and from my site visit that potentially less harmful siting alternatives have been fully assessed.

Other Matters

14. Reference has been made to various social and economic benefits of the proposal, but I have not taken these into account in considering the matters of siting and appearance. The general need for the proposal weighs in its favour, and I note the support in the Framework for high quality communications infrastructure, and that policies and decisions should support the expansion of the communications network. I give this substantial weight as a material consideration.
15. However, the proposal would specifically conflict with paragraphs 115, 126, and 130 of the Framework, which require developments to be of high quality design that adds to the overall quality of an area, sympathetic to local character including the surrounding built environment and landscape setting, and for 5G equipment to be sympathetically designed and camouflaged. I also give this conflict substantial weight as a material consideration.
16. The Council's approach to pre-application discussions has not affected my determination, and it is a neutral matter that there have been no objections from statutory consultees or landscape experts. On the evidence provided I cannot be certain whether the proposal would negate the need for subsequent new installations in the area, and this is therefore of only very limited weight.
17. I note the interested party objections relating to matters such as impact on highway safety, and health implications, although also note that the Council has not identified these as reasons for refusal, and that the Framework advises that health safeguards should not be set different from the International Commission guidelines for public exposure. As I have already concluded that

the proposal would be harmful due to its impact on the character and appearance of the area, I have not addressed these points in detail.

Conclusion

18. I have found that the proposal would cause significant harm to the character and appearance of the area due to its siting and appearance, to which I give significant weight. This harm is also not sufficiently outweighed by a demonstration of a lack of alternative sites and therefore a need for the proposed monopole in this specific location. Although I give substantial weight to the benefits of the proposal as identified above, this does not outweigh the harm, and the wider requirements of the Framework and the conflict with the development plan where material.
19. For the reasons given above, I therefore conclude that the appeal should be dismissed.

L Hughes

INSPECTOR