



Appeal Decision

Site visit made on 28 February 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal Ref: APP/Y9507/W/22/3294264

Land on the north west side of Kiln Lane, Buriton, Petersfield

- 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 Mrs Gemma Tredgett of Shared Access Ltd against the decision of South Downs National Park Authority.
 - The application Ref SDNP/21/05482/PA16, dated 29 October 2021, was refused by notice dated 20 December 2021.
 - The development proposed is the installation of a 15m slim-line alpha pole supporting 1no. integrated internal tri-sector antenna, 4no. equipment cabinets, landscaping and ancillary development thereto.
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Decision

1. The appeal is allowed and prior approval is granted for installation of a 15m slim-line alpha pole supporting 1no. integrated internal tri-sector antenna, 4no. equipment cabinets, landscaping and ancillary development at land on the north west side of Kiln Lane, Buriton, Petersfield in accordance with the terms of the application, Ref SDNP/21/05482/PA16, dated 29 October 2021, and the plans submitted with it comprising drawing nos. EE/78567/A/GA-01 (REV C); EE/78567/A/GA-02 (REV C); EE/78567/A/GA-03 (REV C); EE/78567/A/GA-04 (REV C); EE/78567/A/GA-05 (REV C); EE/78567/A/GA-06 (REV C); EE/78567/A/GA-07 (REV C).

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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 principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of South Downs Local Plan 2019 (LP) and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The appeal site is located within the South Downs National Park. The proposal would therefore be sited on article 2(3) land. I have based my decision on revised drawings submitted by the appellant which correct an error relating to

the dimensions of equipment cabinets. Based on the revised drawings I am satisfied that the proposed cabinets would not exceed the threshold of 2.5 cubic metres cited in the Authority's decision notice and the development is of a type described by Schedule 2, Part 16 Class A of the GPDO 2015.

Main Issues

5. The main issues in this appeal are:

- The effects of the siting and appearance of the proposal on the landscape and scenic beauty of the South Downs National Park;
- Whether the proposal would preserve the setting of the Buriton Conservation Area; and
- If any harm would occur in respect of the above issues, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

South Downs National Park

6. The appeal site is a small parcel of land located within a sloping, triangular, agricultural field elevated above the nearby village of Buriton and situated at the foot of Buriton Scarp, a dramatic and visually distinct, steep-sided escarpment covered by woodland. The site is located within the South Downs National Park. Through its open, agricultural appearance set against the backdrop of the scarp, the site contributes positively to the landscape character of the National Park.
7. The appeal site is adjacent to the field boundary which consists of a hedgerow, stock proof fence and occasional trees. I understand that, following refusal of a previous scheme, the appellant has increased the set back of the proposed installation from Kiln Lane thereby reducing its visual prominence. The proposed cabinets would be positioned at ground level and would generally be screened by the existing hedgerows and trees. However, the proposed mast would exceed the height of surrounding vegetation.
8. From Kiln Lane, views of the proposed installation would be largely obscured by the hedgerows and trees along the grass verge. However, there would be glimpses through the existing field gate and occasionally above lower or sparse sections of hedgerow. In addition, the proposed mast would be partially visible from nearby dwellings at Greenway Lane and Kiln Lane where it would be viewed against the wooded backdrop of the scarp.
9. The appellant's photomontages and wireframe images from the Landscape and Visual Impact Assessment indicate that the upper sections of the proposed mast would be visible from Buriton's recreation ground above hedgerows. The recreation ground is a publicly accessible location with a large field, play equipment, tennis courts and a community hall, which benefits from views of the National Park landscape including Buriton Scarp. As illustrated in viewpoint 4, where viewed from the recreation ground the proposed mast would be set against the sky and would therefore be visible in distant views beyond Kiln Lane.

10. Existing timber telegraph poles and overhead lines run along Kiln Lane and are clearly visible in the middle distance between the recreation ground and appeal site. The proposed mast would be set back from the line of telegraph poles, would differ in appearance and would therefore add visual clutter to views of the landscape. However, the presence of the telegraph poles, which form prominent vertical features, would draw the eye and lessen the visual impacts of the proposed mast aiding its assimilation into the landscape.
11. The appellant suggests the proposed mast could be painted in a dark brown or other suitable colour to resemble the telegraph poles. However, I am concerned that since the proposed development would be sited some distance from the row of telegraph poles, painting the mast in a dark colour would make it more prominent where viewed against the sky as a backdrop.
12. To the rear of the appeal site is a rail line on a raised embankment. The rail line blends into the landscape with limited impact upon the scarp backdrop. However, some features relating to the rail line are visible, including a section of metal railing fence. Passing trains appear prominent in the landscape, particularly from the recreation ground. The rail line, with its associated structures, therefore forms an additional man-made feature, the presence of which would help integrate the proposed mast into its landscape setting.
13. A publicly accessible woodland which is part of a country park with cycle and walking routes is situated at the top of the scarp to the rear of the appeal site. At time of my site visit, the landscape below the scarp was partially visible from a pathway at the edge of the woodland through gaps between trees. Due to the rugged topography and tightly packed trees, views of the proposed installation from within the country park would be limited and would be further reduced in the spring and summer months when foliage and vegetation cover would be denser.
14. I understand the appellant has sought to minimise visual impacts through the design of the proposed mast with a slimline profile with internal trisector antenna and of minimum possible height and width to meet coverage requirements. Visibility of the proposed installation would change through seasonal leaf coverage and hedgerow trimming, and the proposed equipment at ground level would generally remain screened by the hedgerows from most viewpoints even in the winter months.
15. The proposal would involve further planting to increase the screening of the site, which would aid in further screening the proposed cabinets. However, concerns have been raised regarding the appropriateness of the planting scheme, with irregular planting of native scrub species providing a more preferable mitigation strategy. I understand that landscape mitigation of tree and hedgerow planting can often be unsuitable due to mast height requirements to avoid obstruction of antennae and the proposed mast would exceed the height of nearby trees. Therefore, the proposed planting strategy would not wholly mitigate the visual impacts of the proposal.
16. Paragraph 176 of the Framework places great weight on the conservation and enhancement of the landscape and scenic beauty of National Parks and provides the highest status of protection in relation to these issues. The appellant has sought to minimise the visual impacts of the proposed installation through its siting and design. In addition, as discussed above, the presence of

some natural and man-made features serves to increase the landscape's capacity to accommodate the proposal.

17. However, the proposal would introduce a tall feature of modern, functional appearance which would be visible from certain important publicly accessible vantage points, notably Buriton recreation ground. The proposed installation would appear out of keeping with the undeveloped, open, rural landscape setting of the National Park. I therefore consider the proposal would have an adverse impact upon the landscape character of the National Park. Reflecting the provisions of the Framework in respect of the importance of preserving the landscape and scenic beauty of National Parks, I consider such harm carries substantial weight.
18. For the reasons set out above, the siting and appearance of the proposed installation would adversely impact the landscape and scenic beauty of the South Downs National Park. Insofar that they form a material consideration, in reaching this conclusion I have had regard to the policies of the Framework and the development plan. Notably, the LP indicates that the first purpose of a National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Together, LP Policies SD1, SD4, SD5, SD6 and SD7 require proposals to conserve landscape character and cultural heritage, including the visual integrity and identity of the National Park.
19. Furthermore, LP Policy SD44, together with the Buriton Village Design Statement 2017, require proposal for telecommunications infrastructure to minimise the intrusion and visual impacts. As set out above, the proposed measures are not sufficient to wholly mitigate the adverse effects of the proposal on the landscape.

Setting of the Buriton Conservation Area

20. The Buriton Conservation Area covers parts of Buriton village and wide areas of agricultural land to the north and south. Within the Conservation Area are numerous listed buildings, particularly along the High Street and clustered around the Grade II* Church of St Mary and Manor House. The character of the Conservation Area, and to my mind its significance, is that of a historic, rural village within an agricultural setting at the foot of the scarp.
21. Whilst some distance from the built area of Buriton village and its conservation area, the appeal site is situated within its undeveloped, agricultural landscape surround beneath the scarp slope which forms a green backdrop. The proposed installation would therefore be sited within the setting of the Buriton Conservation Area.
22. The appellant asserts that there are no publicly accessible views from within the Conservation Area, but due to the elevated nature of the appeal site the proposed mast would be visible from some buildings and gardens within the Conservation Area. The proposed siting of the mast would introduce a tall feature of modern, functional appearance within the setting of the Conservation Area which would be out of keeping with the area's historic and rural character. Therefore, the proposal would not preserve or enhance the setting of the Buriton Conservation Area and would be detrimental to the unique and distinct landscape setting of Buriton village at the foot of the Buriton Scarp.

23. Paragraph 202 of the Framework states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against its public benefits. Due to the distance between the Conservation Area and appeal site and the limited visual prominence of the proposal from locations within the Conservation Area, I consider the harm to the significance of the Conservation Area to be very modest.
24. The proposal would deliver public benefit through the deployment of advanced high-quality telecommunications infrastructure which, at paragraph 114, the Framework recognises as essential for economic growth and social well-being. Notably, the proposed installation would provide a significant uplift in indoor and outdoor coverage to Buriton and would provide network coverage to a section of rail line where coverage is presently absent, contributing to the operator's project to provide 100% rail coverage to support the productivity of rail commuters and their employers. I therefore consider the public benefits of the scheme carry significant weight which outweighs the harm I have identified to the significance of the Conservation Area.
25. LP Policy SD15 requires development proposals within the setting of a conservation area to preserve its character and appearance. Whilst the siting and appearance of the proposal would adversely impact the setting of the Buriton Conservation Area, I have found the less than substantial harm of the scheme is outweighed by its public benefits.

Need for the installation to be sited as proposed and suitable alternatives

26. The appellant's search for a site included a sequential approach. Whilst some comments from local people expressed a preference for the sharing of existing masts, the appellant found that no suitable, available options to share or upgrade existing installations are available within the search area. A new ground-based mast site is therefore required to accommodate the proposed installation.
27. Due to the proposal's objective to improve coverage at Buriton village and the section of rail line, the area of search is confined to a relatively small geographic area. The appellant has assessed 13 potential alternative site locations to accommodate the proposed development. Their statement concludes that, due to a combination of technical and landscape constraints, none of the alternative locations are considered to present a more appropriate location for the proposed installation.
28. As evidenced by various previous decisions, it is clear the Authority has not sought to apply a blanket ban of telecommunications proposals, as prohibited by paragraph 116 of the Framework. The Authority asserts that the appellant has not equally weighted the considerations between sites nor outlined clearly its methodology or evidence base used to draw conclusions. However, the appellant's statement clearly describes the methodological approach applied in the search for and assessment of sites.
29. As detailed in the appellant's assessment, other sites in the search area would require taller, more prominent, structures to overcome technical constraints; and/or, would result in the proposed installation being placed closer to sensitive receptors such as dwellings, community facilities, heritage assets, or more sensitive landscapes; or are understood to be unavailable for

development. I therefore find that the submitted evidence provides clear, persuasive reasoning for the discounting of each alternative site option.

30. The Authority indicates it has engaged with the appellant on numerous sites but does not appear to dispute the extent of alternative sites identified. The Authority suggests it has discussed holistic/strategic views of improving connectivity with the appellant. However, details of such measures have not been provided, and the Authority has not put forward any preferable sites.
31. I therefore conclude that the methodology for the site selection was robust and that the submitted assessment provides clear, compelling evidence that there are no suitable alternative sites within the search area. Whilst I have identified harm from the proposal in respect of the area's landscape and heritage designations, I conclude the proposed site would be the least harmful available option.

Other Matters

32. Buriton recreation ground is designated as Local Green Space by LP Policy SD47 on the basis that its recreational use is demonstrably special to the community it serves. Whilst I have identified visual impacts in respect of views from the recreation ground, the proposal would not adversely impact the recreational use of the Local Green Space and thus would not undermine the reason for its designation by Policy SD47.
33. Comments were received from local people and the parish council, most of which related to concerns regarding the proposal's effects on the area's landscape and heritage which I have explored in the preceding section. In addition, a range of other issues were raised by local people, but as I have explained above, the GPDO 2015 requires that proposals of this type be assessed solely on the basis of matters of siting and appearance.
34. Concerns were raised regarding the effects of the proposal on health. The appellant has provided a declaration confirming the proposed installation would comply with International Commission guidelines. Paragraph 118 of the Framework states that different health safeguards from the International Commission's guidelines should not be imposed.
35. Other comments discussed the existing availability of telecommunications networks in the area and the extent to which the proposal is required. Paragraph 118 indicates that the decision-maker should not seek to prevent competition between different operators or question the need for an electronic communications system.
36. Concerns were also raised that the proposal may set a precedent which would enable similar developments elsewhere. However, my decision is based on the particular circumstances of the case, including the lack of available and suitable alternative sites. Any future applications submitted in the area, should be considered on their own merits by the Authority.
37. One respondent on behalf of a local landowner suggested they had not been engaged by the appellant regarding use of their land as an alternative site option. However, the appellant has provided details of the difficulties on maintaining communication and reasons for its conclusions that the site was understood to be unavailable. I therefore consider the appellant considered all reasonable options.

Conditions

38. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must 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.

Planning Balance and Conclusion

39. As set out above, I have found the siting and appearance of the proposal would have an adverse impact upon the landscape and scenic beauty of the South Downs National Park. In addition, whilst the proposal would lead to less than substantial harm to the setting of the Buriton Conservation Area, this harm would be outweighed by the scheme's public benefits.
40. The principle of development is established by the GPDO 2015. I have assessed the proposal on the basis that the principle is not at issue, limiting my considerations to matters of the siting and appearance of the proposed installation. As per the provisions of the GPDO 2015, the installation must therefore be sited somewhere within the target area.
41. The assessment of alternative sites demonstrates that no other suitable alternative sites are available within the target area. The GPDO 2015 therefore directs me to conclude that the appeal should be allowed and prior approval should be granted.

E Dade

INSPECTOR