



Appeal Decision

Site visit made on 6 April 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/Q3820/W/22/3301287

Rusper Road, Gossops Green, Crawley RH11 0LT

- 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 Hutchison Networks (UK) Ltd against the decision of Crawley Borough Council.
 - The application Ref CR/2022/0206/TEL, dated 29 March 2022, was refused by notice dated 26 May 2022.
 - The development proposed is Proposed 15.0m Phase 9 super slimline Monopole and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural 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 Local Planning Authorities to assess the proposed development solely based on its siting and appearance, taking into account any representations received. My determination of this appeal is made on the same basis.
3. A previous appeal¹ was determined at the site for a taller Monopole of 18m in height and of a greater width. I have noted the decision letter contents in determining this appeal.

Planning Policy

4. Part 16 of the GPDO establishes that the proposal is permitted development, and so is accepted in principle by virtue of the legislation. There is no requirement to have regard to the development plan as there would be for any development requiring express planning permission. However, I have had regard to policies of the Crawley Borough Local Plan (2015) (the CBLP), the Green Infrastructure Supplementary Planning Document (2016) (the GSPD), and the Urban Design Supplementary Planning Document (2016) (the USPD)

¹ APP/Q3820/W/21/3281649.

as cited in the Council's decision notice, as well as the National Planning Policy Framework (2021) (the Framework) as material considerations.

Main Issues

5. The main issues are:

- the effect of the siting and appearance of the proposed development upon the character and appearance of the area; and,
- if any harm would occur, whether that would be outweighed by the need for the development to be sited as proposed taking into account any suitable alternatives.

Reasons

Siting and appearance

6. The character and appearance of the area is one primarily of mixed residential development comprising individual generally two and three storey buildings, with generous verges, amenity areas, with mature trees and hedgerow features, and some wider open spaces. The highways are generally single carriageway lined by a limited amount of street furniture including signage, lighting and telegraph poles.
7. I am informed the appeal site is designated as structural landscaping. It contributes to local character and appearance as part of one of the networks of verges set against mature vegetation surrounded by some streetlights, signage, a telegraph pole and limited wider furniture and lighting associated with the roundabout opposite.
8. The mast would be sited on part of the relatively wide and open verge opposite the roundabout at a well-used junction between Rusper Road and Hyde Drive, in a locally prominent and visible location. From some vantage points at my site visit this is viewed in the context of some much smaller street furniture and some surrounding mature trees. Some street furniture is notable vertical man-made features. However, the approximately 15 metre height of the appeal mast and its girth would be considerably greater than the height and girth of the surrounding items of street furniture.
9. Based upon what I saw and the plans before me, some of the rear and wider surrounding trees are up to approximately 15m in height, although many are much lower. Even when not in leaf they provide structural landscaping features that are an inherent part of the character and appearance of the area. Nevertheless, the mast would be positioned significantly further forward than the rear trees, and set apart from and look significantly different to surrounding trees. While it would not be higher than some of the mature trees, it would be significantly taller than many, as well as many surrounding residential buildings. It would both break and form a dominant feature on the skyline.
10. There are options for colour finishes for the mast and equipment. However, even having regard to this, the siting and appearance of the mast would be conspicuous. It would appear incongruous and strident in a particularly prominent location, so it would not be considered to respond well so its context. This would be apparent for highway users for some significant

lengths of the highway, in particular Hyde Drive approaching from the southwest and Rusper Road approaching from the east for some significant distances. While the reduction in the mast reduces its harmful effects to a limited degree, it does not fully eliminate or mitigate them.

11. For the reasons set out above, the siting and appearance of the monopole would be highly prominent, at odds with, and result in harm to the character and appearance of the area.
12. While not determinative in respect of a proposal for prior approval, I do not agree with the appellant that the proposal can be considered fully in accordance with Policies CH2, CH3 and CH7 of the CBLP. These have the aims of ensuring development creates routes that are attractive, responds and is sympathetic to their surrounds and landscape character, including structural landscaping. While it would comply with certain design and other objectives, such as in respect of the functioning of the highway, it would not comply with each individual policy as a whole.

Alternative sites

13. The expansion of electronic communications networks, including 5G mobile technology, is clearly supported in the Framework and the CBLP. There is no disagreement that there is a need for a mast as part of the appellant's roll out of its 5G network. In particular, this equipment is required to provide improved 5G coverage and capacity in the area. The height and design are the minimum capable of providing the requisite coverage and functionality.
14. The appellant has undertaken a sequential approach to its site selection within the designated search area, having regard to the scope for: upgrading a base station; mast and site sharing; adding suitable equipment to a site where there is an existing installation; installation on a building or structure. It is of the view that options are extremely limited and the proposal advanced is the only viable one that minimises amenity issues. However, the appellant's evidence in respect of the application of the sequential approach is very brief. It is not fully explained how this approach and the discounting of options 1 – 4 has been applied to the area of search.
15. Nine other locations are discounted. The information submitted concerning the assessment of these is very brief and the precise technical parameters applied, not clear. The appellant discounts them due to amongst other things, insufficient space or pavement space/width, proximity to sensitive residential receptors, or in one case (No D7) being on the boundary of a Conservation Area. I viewed the locations at my visit. However, based upon what I saw and the substantive evidence before me, I can only clearly see why D1 would be ruled out for the reasons set out by the appellant. Having regard to the appeal site and my findings, it is simply not adequately explained why other sites or areas are ruled out or deemed not suitable for such a proposal.
16. While it is suggested that a pre-application consultation was undertaken and advice was not forthcoming, the Council disputes this. For the reasons set out above the evidence provided with this proposal does not address the reasons why the previous appeal was dismissed.
17. I acknowledge that options for siting the development are limited by technical and operational constraints. However, based upon the evidence before me I

am not satisfied that, installing a visually obtrusive mast at the appeal site represents the only feasible means by which the appellant could provide 5G coverage in this area, and, that other more suitable alternative sites may not be reasonably available to meet the need.

Other Matters

18. The Council has undertaken a screening assessment of the proposal having regard to its location within the Sussex North Water Resource Protection Zone and the potential for likely significant effects upon the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar sites. They conclude that as the development would be water neutral it would not adversely affect the integrity of the protected sites. As I am dismissing this appeal, I have not considered this matter further.
19. Paragraph 114 of the Framework explains that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). There is need to provide increased network capacity as data use grows and improving connectivity and digital inclusion would have economic, social, health, educational, well-being, and sustainability benefits. In this regard the proposal would be compliant with some criteria of policies of the CBLP. However, these benefits have not been taken into account in considering the matters of siting and appearance.

Planning Balance & Conclusion

20. The siting and appearance of the monopole would be harmful to the character and appearance of the area. While options for siting the monopole are limited by technical and operational constraints, the evidence does not demonstrate that there are no alternative suitable sites or solutions available which would be less obtrusive and harmful. Therefore, notwithstanding the need for the development in the area, this is outweighed by the harm to the character and appearance of the area from its siting and appearance as proposed.
21. Therefore, for the reasons set out above, the appeal should not succeed.

Dan Szymanski

INSPECTOR