



Appeal Decision

Site visit made on 7 March 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2023

Appeal Ref: APP/M1595/W/22/3302924

Crammavill Street, Stifford Clays, Grays, Thurrock, Essex RM16 2JB

- 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 Thurrock Borough Council.
 - The application Ref 22/00596/PNTC, dated 28 April 2022, was refused by notice dated 20 June 2022.
 - The development proposed is 5G telecoms installation: H3G Phase 8 15m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Different spellings were given for the appellant company name in the application documents. In the banner heading above, I have used the spelling most frequently used, which also appears on the appeal form.
3. 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.
4. 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. I have therefore had regard to the policies of the development plan, including Policies CSTP22 and PMD2 of the Core Strategy¹, and the National Planning Policy Framework (the Framework) only insofar as they are relevant to matters of siting and appearance.

Main Issue

5. 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.

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

Reasons

Character and appearance

6. The appeal site is located at the junction of Crammavill Street and Crawford Avenue, on the edge of a compact open space planted with grass, shrubs and small trees. The mast and equipment cabinets would be erected on the outer perimeter of the open space, at the rear edge of the pavement.
7. The surrounding development comprises two and three storey houses and flats, together with several single storey community buildings. There are education, health and community facilities in the immediate vicinity of the site, as well as a parade of local shops and businesses further along Crammavill Street. There are several parking bays opposite the site and two adjacent bus shelters on Crawford Avenue. A footpath crosses the open space and was in frequent use at the time of my site visit.
8. This street corner provides one of only a few small areas of open green space within what is a relatively built up and congested urban area. The planting within the open space is generally low level, although there are a few larger trees along Crammavill Street, just to the east. The existing street furniture is also generally low in level.
9. The proposed mast would be significantly taller than the existing street lights, which are the tallest items of street furniture at present. It would furthermore be of heavier proportions and topped with relatively bulky antennas. The installation would also be in a particularly exposed position, on the outer edge of the open space, set apart from any of the taller trees. The existing vegetation would not provide any meaningful screening and the installation would be conspicuous from several directions, by virtue of its corner location.
10. While I note that the proposed installation is designed with urban, roadside locations in mind, and that the area is not subject to heritage or other policy constraints, the mast would nevertheless be a visually intrusive feature. It would be sited in an exposed and open location, where there is extensive passing foot traffic. As a result, it would both dominate this part of the street scape and undermine the visual and functional benefit of the small open space. The visual intrusion would furthermore be experienced by significant numbers of local residents as they move between the residential area, bus stops, parking area and local services.
11. For the above reasons, the siting and appearance of the proposal would be harmful to the character and appearance of the area. Accordingly, insofar as they are a material consideration, the proposal would be contrary to Policies CSTP22 and PMD2 of the Core Strategy which, amongst other things, require that development responds positively to the surrounding context, including the public realm. It would also conflict with guidance in the Framework which requires equipment on new sites to be sympathetically designed.

Alternative sites

12. 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. 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 search area within which additional equipment is required. The application 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. No substantive evidence has been provided to the contrary.

13. A number of alternative sites have been identified by the operator. The reasons why these have been discounted include limited pavement width, conflict with existing overhead cables and proximity to residential properties.
14. The alternative sites are clustered to the east, significantly closer to the nominal site where additional infrastructure is required. In the intervening area, I noted several locations where there are wider grass verges or pavements and/or where there are taller existing buildings and trees. There are also extensive areas beyond the nominal site, where no evidence has been provided that alternative sites have been assessed.
15. While I appreciate that the many of the nearby taller buildings are in residential use, the same could be said of most of the search area. The proposed siting would itself be close to existing dwellings. Therefore, this is not a clearly demonstrated point of difference between the proposed and alternative sites.
16. The Code of Best Practice on Mobile Network Development in England, published November 2016 and referenced in National Planning Policy Guidance, sets out a range of principles for erecting new ground-based masts. They include placing masts close to similar structures and trees, to mitigate the level of visual intrusion. Based on the evidence before me, I am not satisfied that these principles have been fully followed in this case. In particular the evidence does not clearly demonstrate that consideration has been given to alternative, less exposed siting which would take better advantage of taller elements within the search area.
17. For the above reasons, I am not convinced that less harmful alternatives have been properly explored. Therefore, on the basis of the evidence before me, I conclude that the need for the installation does not, in this case, outweigh the harm.

Other Matters

18. Absence of objection in relation to the site's proximity to a nearby school is a neutral factor which does not have a bearing on the harm to the character and appearance of the area, as identified above.
19. I have noted concerns raised by the Highways Authority in relation to the location of the crane required for installation. However, temporary arrangements for construction fall outside the scope of this appeal in relation to permitted development within Schedule 2, Part 16, Class A of the GPDO.

Conclusion

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

Jane Smith

INSPECTOR