



Appeal Decision

Site visit made on 17 April 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2023

Appeal Ref: APP/Z3825/W/22/3303979

Brighton Road SWS, Brighton Road, Horsham RH13 5BU

- 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 Horsham District Council.
 - The application Ref DC/22/0883, dated 6 May 2022, was refused by notice dated 24 June 2022.
 - The development proposed is described as 'Proposed telecommunications installation: Proposed 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. However, a developer must apply to the local planning authority (LPA) to establish as to whether the prior approval of the LPA is required as to the siting and appearance of the proposal. There is no requirement to have regard to the development plan as there would be for other development requiring planning permission.
3. Policies 32 and 33 of the Horsham District Planning Framework (2015) (PF) are material considerations as they relate to issues of siting and appearance. In particular, they seek to support high quality design, and ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings. Similarly, the National Planning Policy Framework ('the Framework') is also a material consideration, and this includes a section on supporting high quality communications.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation 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

5. The appeal site lies along Brighton Road, close to the junction with Tanyard Close. Whilst Brighton Road is a lengthy A road, I observed that near to the appeal site both roads are residential in character with two, three or four storey residential blocks nearby.
6. The proposal would be of functional appearance, typical of telecommunications equipment seen in urban and suburban areas generally.
7. The monopole would be sited at the rear of the pavement next to the boundary wall and hedging of the properties on the corner of Brighton Road and Tanyard Close. There are a number of trees and streetlights in the vicinity. However, whilst I recognise the height is required to clear surrounding clutter and achieve the appellant's operational requirements, the proposed monopole, at 18m, would be significantly taller than any of these existing vertical elements including the tree levels and roof levels of the four storey Brighton Road properties opposite. Whilst a slimline design, it would also have thicker elements at its top, drawing attention to its height.
8. I recognise that the proposal would not, amongst other aspects, impede pedestrian flow and is not sited within a statutory designated area such as a Conservation Area or near any Heritage Assets. However, the large size and utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its immediate residential setting and from some short and medium distance views, for example along Brighton Road. It would also be visually prominent to several properties on the Brighton Road/Tanyard Close junction. The roadside hedging and trees opposite would offer some screening and natural backdrop but not to sufficiently reduce the visual impact of the mast, given its size. It would, by virtue of its scale and position, appear as an unusual and incongruous feature within the street scene. This visual impact would not be mitigated by painting the equipment and monopole green or any other particular colour.
9. I therefore find that the siting and appearance of the development would have a significant harmful visual effect on the character and appearance of the local area.
10. Paragraph 117c of the Framework requires evidence that the appellant has explored the possibility of erecting antennas on an existing building, mast or other structure. The requirement for the monopole and equipment within the immediate locality is clear as shown by the lack of 5G coverage in the area.
11. The Council does not dispute the appellant's assertion that opportunities for sharing have been investigated and exhausted and that there is an urgent requirement to install additional telecommunications equipment.
12. I appreciate that the operator undertook pre-consultation the Council, and has ruled out a number of alternative sites close by, which are discounted due to reasons such as insufficient pavement width, access issues, proximity to electrical substation and visibility concerns. However, whilst the wider area is residential, from what I observed, there are areas of open space or car parking nearby and given the areas of wide verge within the vicinity without obvious access or visibility issues and away from substations etc, I am not persuaded

that there is not a reasonable availability of an alternative, less prominent location that would secure the required coverage within the target area.

13. Having regard to all of the above, there is not sufficient evidence before me to definitively rule out other sites and to conclude that the proposed development needs to be sited as proposed because the appeal site is the only feasible or least-worst option. In coming to this view, I have taken into account the constrained nature of the cell search area.
14. The appellant's planning justification statement points to an appeal decision at Walworth, London, SE17 3DU¹. However, notwithstanding the site-specific circumstances of the proposal before me, limited details are provided of this decision, and I am unable to make any useful comparison. I also note that unlike the appeal before me, the refusal reason for this appeal related to clutter and pedestrian disruption. I therefore cannot give this any weight.
15. The Framework recognises that planning decisions should support the expansion of electronic communications networks and the subsequent economic growth and social well-being arising from reliable communications infrastructure. In addition, the government aims to increase coverage and 'level up' digital connectivity, and the appellant has provided the necessary evidence to justify the proposed development. However, although I recognise the benefits of the proposal and the need for improved coverage in the locality, in this case, I have found that the siting and appearance of the proposed installation would lead to significant harm to the character and appearance of the area. This harm would not be outweighed by the other material considerations of the identified need for the installation, or the alternative sites put forward.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR

¹ Appeal reference APP/A5840/W/20/3254830