



Appeal Decision

Site visit made on 18 April 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 MAY 2023

Appeal Ref: APP/R3650/W/22/3308016

Land at Crown Court Car Park, Crown Court Car Park, Crown Court, Crownpits, Godalming GU7 1DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Hutchison 3G UK Ltd against the decision of Waverley Borough Council.
 - The application Ref TC/2022/01493, dated 26 May 2022, was refused by notice dated 19 July 2022.
 - The development proposed is installation of a new 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development hitherto.
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Decision

1. The appeal is dismissed.

Main Issues

2. There is no dispute between the parties that the proposed development would be permitted under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), provided it would meet the conditions set out at paragraph A.2 and procedural requirements set out at paragraph A.3 of the Order. From the evidence before me, there is nothing to lead me to a different conclusion.
3. The main issues are therefore:
 - whether the proposed development would comply with paragraph A.2(1)(b) and (c) regarding siting and appearance; and
 - the effect of the siting and appearance of the proposal upon the character and appearance of the area.

Reasons

4. Paragraph A.2(1) of Schedule 2, Part 16, Class A of the GPDO permits development under Class A(a) and A(c) subject to the condition that (b) the siting and appearance of any (i) mast; (iii) antenna or supporting apparatus; or (iv) radio equipment housing, which has been constructed in a manner which does not require prior approval under paragraph A.2(3) are such that the visual impact of the development on the surrounding area is minimised, so far as practicable.

5. The Council's decision notice states that prior approval to the siting and appearance of the development is required and the appellant does not dispute this. Therefore, condition (b) of paragraph A.2(1) of Schedule 2, Part 16, Class A of the GPDO is not applicable in this case.
6. Nevertheless, condition (c) of Paragraph A.2(1) of Schedule 2, Part 16, Class A of the GPDO does not include the same limitation. Whether or not the development has been constructed in a manner which does not require prior approval, it requires the siting and appearance of any development which is visible from a site which is article 2(3) land to be such that the visual impact of the development on the site is minimised so far as practicable, taking into account the nature and purposes of the site.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. However, this is with respect to any buildings or other land within a conservation area and, given the proposed mast would be sited outside the Godalming Conservation Area (GCA), would not be applicable in this case. Nevertheless, the National Planning Policy Framework (the Framework) explains that the significance of a heritage asset derives not only from its physical presence but also from its setting.
8. The character of the GCA relies on the many listed buildings within the compact historic core of Godalming and how they and their resulting layout, along with other buildings, many historical, relate to the evolution of the town. Also of importance are the open spaces, including the Phillips Memorial Park, their relationship to the River Wey and the Lammas Land beyond. There are many significant views in the GCA, including from Crown Court looking towards the car park and from the grounds of the Church of Saint Peter and Saint Paul looking towards the bandstand and the Lammas Lands beyond. Important views of the GCA from outside it, include from Frith Hill on the opposite side of the River Wey.
9. The mast would be located at the entrance to the Crown Court Car Park, between the historic town centre and Phillips Memorial Park on the footway serving The Burys. While, the historic town centre is fairly enclosed, given the significant scale of the proposed mast, it would be visible from parts of the GCA, in particular from parts of the Phillips Memorial Park that are included within the GCA. The significance of the GCA, in so far as it relates to this appeal, is therefore the relationship and contrast between the open and green character of the Phillips Memorial Park and compact historic town centre.
10. There are some man-made features in the area surrounding the appeal site and within the Philips Memorial Park itself, including car parks, allotments, and a bowling green. However, these features have low profiles and a degree of spaciousness to them, which make them appear either subservient to the buildings forming the edge of the town centre or as an integrated part of the parkland. While the car park could be considered utilitarian, the vehicles are partly screened by a stone wall of a similar style to other nearby stone walls that demarcate the edge of the built form. Consequently, these man-made features are not visually intrusive and provide a largely neutral transition between the compact historic core and its parkland setting, as does the appeal site in its current open form.

11. It may be that the provisions of Class A, Part 16, Schedule 2 of the GPDO would permit a mast taller than the 15-metre mast proposed. Nonetheless, even at 15 metres, the proposed mast would be significantly taller than the low-lying man-made features in the immediate area and, despite the antennas being stacked, would appear bulky and as an incongruous and dominant feature in its surroundings.
12. I saw on site that there is existing street furniture in the immediate area, including street signs and lighting columns, and that the mast would be positioned in line with these. Nevertheless, this other street furniture would be significantly shorter and less bulky than the proposed mast and therefore would not reduce the visual effect of the proposal to any significant degree.
13. Although the surrounding area contains a number of mature trees, which would help filter some views of the proposed mast, these trees are fairly spaced out. Given this, they would not provide a dense screening, particularly in the winter months when most of the tree canopies would be missing.
14. The appeal site's immediate context, with the exception of the low stone wall, is relatively open. There are no trees directly opposite the appeal site on the other side of the Burys, meaning the proposed mast would be very noticeable from parts of the Phillips Memorial Park, including sections of the footpaths and bandstand. Some of the trees further within the park, close to the River Wey, may provide a partial backdrop to the proposed mast. However, in views taken from the edge of the town centre, the amount of backdrop would be limited, particularly in views of the mast from Crown Court and the car park, which is significant to the GCA.
15. The trees running along the perimeter of Burys Field vary in their height. Therefore, while some of the trees would be a similar height to the mast or taller, others would be much shorter. Consequently, although these trees would help screen the mast in views from Bury Field itself, the amount of backdrop they would provide to help camouflage the mast in views from within the Phillips Memorial Park would be limited. Furthermore, the proposed mast would be coloured grey and, despite this matching the existing street furniture, it would contrast with the greenery of the trees, meaning that in views where the trees would provide a backdrop, the degree they would camouflage the mast would be limited.
16. Notwithstanding this, in longer views from Chalk Road, given the mature trees lining the road and the trees within the Lammas Lands and Phillips Memorial Park, views of the mast would be limited. I also saw that in longer views from elevated positions, such as from Frith Hill, the angle of the view means that the town centre backdrop would be more obvious and dominant. This would reduce the prominence of the mast. Therefore, while it would be visible from these elevated viewpoints, it would not dominate the view.
17. Masts of this scale and design may not be uncommon within suburban areas and on highway verges. However, in this case, the site of the proposed mast forms part of an important transition area between the historic core of Godalming and the Phillips Memorial Park. The proposal would be visually intrusive and would dominate this area in short and medium views. Subsequently, harming the setting and significance of the GCA.

18. I appreciate that the mast may be the smallest and thinnest it can be without compromising the operational efficiency of the base station. However, whether or not further amendments could be made to the appearance of the proposal to reduce its visual impact, I am not satisfied that the siting of the proposal would be such that its visual impact on the significance of the GCA is minimised so far as practicable.
19. Although the proposal would be sited away from residential properties and would not impact on pedestrians, there is no substantive evidence before me demonstrating that the proposal could have not been located in a less sensitive area or where it would have been better assimilated into its surroundings. The search and target areas have not been defined and therefore it is unclear why the chosen location would be optimal in this case. While there is evidence to rule out other locations in Godalming, the extent and detail of this evidence is very brief. There is also no substantive evidence before me that the appellant has explored the possibility of erecting antennas on an existing building, mast, or other structure, contrary to paragraph 117 of the Framework.
20. Consequently, in terms of the siting of the proposal, there is insufficient evidence to demonstrate that the proposal would comply with condition (c) of paragraph A.2(1) of Schedule 2, Part 16, Class A.
21. Nevertheless, even if I were to accept that the proposal complied with condition (c) of paragraph A.2(1) of Schedule 2, Part 16, Class A, for the reasons above, the siting and appearance of the proposal would result in significant harm to the character and appearance of the area, including the setting and significance of the GCA.

Other Matters

22. The appellant contends that the Council did not afford sufficient weight to the benefits of the proposal in providing enhanced and improved telecommunications infrastructure. However, while I acknowledged the references made to various social and economic benefits, as well as the importance given to telecommunications infrastructure in the Framework, they have not been taken into account in considering matters of siting and appearance. The provisions of the GPDO 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. I have determined the appeal on the same basis.
23. I have before me a number of appeal decisions that were allowed in part due to the benefits referred to above. However, while I do not have full details before me, there appear to be substantial differences between them and the appeal proposal, particularly in terms of their site circumstances and their effect. Although many of the examples relate to heritage assets, the significance of such assets will vary significantly. In addition, in the examples provided that would affect conservation areas, the inspectors found the effect of the proposals in this regard to be minimal and/or the harm to be low. As such these examples are not determinative in my decision. I must determine the appeal on its own planning merits, and I have found that its siting and appearance would significantly harm the setting and significance of the GCA.

Conclusion

24. For the reasons above, the appeal is dismissed.

Hannah Guest

INSPECTOR