



Appeal Decision

Site visit made on 17 May 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/P0240/W/22/3299259

Hockliffe Road, Eggington, Leighton Buzzard LU7 3XD

- 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) ('GPDO').
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/04569/TDM, dated 3 October 2021, was refused by notice dated 3 December 2021.
 - The development proposed is 16m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area and, in the event that any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed and any benefits associated with the proposal.

Reasons

3. The appeal site is part of the highway and comprises an area of grass verge located on the north side of Hockliffe Road, near to the junction of Appenine Way. This grass verge is similar to grass verges, east and west along Hockliffe Road.
4. Most notably, the grass verge comprises mown grass incorporating trees and is free of any significant development. This is set against the backdrop of simple boundary fence of the adjacent property and beyond this is the gable wall of this property. Therefore, whilst the appeal site is not identified as sensitive e.g., Article 2 (3) land or in close proximity to any listed buildings, the open and landscaped nature of the site positively contributes to the appearance of the area.
5. Moreover, the appeal site and other nearby grass verges are complemented by a much larger amenity space on the southern side of Hockliffe Road. Together, these areas contribute to a spacious and verdant setting within an otherwise urban setting.
6. The proposed 16m monopole is to be sited along the grass verge and would incorporate a wrap-around cabinet at its base, along with further separate

cabinets adjacent to this. The proposal is part of an integral requirement to expand Fifth Generation (5G) telecommunications network coverage for improving service in and around the Leighton Buzzard.

7. The appellant asserts that the equipment cabinets would be classified as permitted development. This is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. The proposal before me therefore relates to the whole installation, including the cabinets.
8. Because of its siting near a junction, a path along the grass verge and a nearby crossing, the proposal would be prominent in views when travelling along Hockliffe Road.
9. Moreover, close by to the appeal site vertical street furniture is limited to streetlighting, traffic lights, road signs and a bus stop. The streetlights are slender in form and not particularly tall relative to the nearby buildings. The other elements of street furniture are of a considerably lower height than the streetlighting and buildings in the area. Therefore, these elements of street furniture are not visually obtrusive and are settled within the street scene and do not detract from the green and open character and appearance of the site and area.
10. In contrast, the proposed 16m monopole would be appreciably taller and thicker in diameter and bulkier with a visibly distinct headframe design, in relation to the supporting column than the existing streetlights. As such, this would not visually integrate with the nearby streetlighting. It would also rise appreciably above the height of other street furniture and the dwelling behind it, appearing unduly visually prominent within the skyline. Therefore, irrespective of the colour of the proposed equipment, I am not persuaded that this would assimilate into the street scene. I am also not persuaded that the nearby trees, which are lower in height than the proposed monopole would provide any significant screening of the proposed development.
11. The position of the monopole and cabinets in proximity of the roadside, paths and a crossing, would further contribute to their visual dominance as perceived by pedestrians using the path and pedestrian/cyclists using the nearby crossing and passing drivers on the highway.
12. As such, the siting and appearance of the proposal would introduce a stark and incongruous feature within the street scene, which would unacceptably detract from the open and verdant setting of the appeal site.
13. For the above reasons, the proposal would result in unacceptable significant harm to the character and appearance of the area.
14. Having taken account of the Central Bedfordshire Local Plan ('LP'), as far as this is a relevant consideration within the terms of the GPDO, the proposal would conflict with the design aims of policies HQ1 and HQ5 of the LP.

Other considerations

15. Support for the delivery of advanced, high quality and reliable communications networks is afforded by the Framework, by other government documents and the development plan, and such networks bring significant social and economic

benefits. Furthermore, the proposal would support new 5G coverage to a predominantly residential area.

16. Paragraph 117 of the Framework outlines that for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be submitted.
17. Although a number of discounted sites were considered, a large number of these including the appeal site appear to be located considerably outside the intended target/search area. Taking account of the appellant's contention that to achieve the operational requirements of 5G, the selected site should be within or as close to the intended target/search area as possible, the inclusion of a number of sites outside the target/search area reduces the likelihood that the selection process has considered a sufficient range of potentially available alternative options. Furthermore, given that the proposed site is located beyond the intended target/search area, suggests that a greater range of potentially available alternative sites could also have been considered.
18. For the above reasons, I am not persuaded that the site selection process was sufficiently robust and that a less harmful location could not be found.
19. Even if I were to accept the appellant's evidence on alternative sites, this does not outweigh the significant harm arising from the proposal.
20. The fact that the proposal would meet the ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines for public exposure is a requirement of prior approval and does not influence my findings on the main issue.

Planning balance and conclusion

21. I acknowledge the potential economic and social benefits of the proposal detailed by the appellants, and the support given by the Framework in Paragraph 114 to advanced, high quality and reliable communications infrastructure, including 5G networks, in supporting economic growth and social well-being.
22. However, in this case, for the reasons given above, I do not consider that the public benefits of the installation in terms of the enhancement of the telecommunications network, its contribution to economic growth and the locational needs of the appellant outweigh the significant harm that I have found arising from the proposal due to its siting and appearance. I, therefore, conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR