



Appeal Decision

Site visit made on 12 April 2023

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/X0415/W/22/3304549

Area of Grass Verge, White Hill, Hilltop, Chesham, Buckinghamshire

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/22/1543/RM, dated 29 April 2022, was refused by notice dated 22 June 2022.
 - The development proposed is described as 'Proposed 5G telecoms installation:H3G Phase 8 17m 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. I have used the address from the appeal form as it is more precise than the description of the site location on the planning application form.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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 of the GPDO do not require consideration of the development plan. I have had regard to the National Planning Policy Framework (the Framework) only in so far as it is relevant to matters of siting and appearance.

Main Issue

5. 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

Character and appearance

6. The appeal site comprises rising land which is part of an area of grass verge located off White Hill. Due to the location of the site adjacent to the highway and footpath, and proximity to the junction with Victoria Road, it is prominent in views from the public realm. The surrounding area includes 2 and 3 storey residential development, with larger scale commercial buildings and associated car parks on the opposite side of the road to the appeal site.
7. There are mature trees and various modest items of street furniture, including existing cabinets, grit box, public bench, post box, litter bin and a memorial stone close to the site. Whilst not free from development, the grassed area nevertheless has a pleasant sense of openness which makes a positive contribution to the character and appearance of the area.
8. There are a range of elements in the street scene with a vertical emphasis, including lamp posts and telegraph poles. However, these features are slender in form and not particularly tall relative to the nearby buildings. Consequently, they are not visually obtrusive in the street scene and do not detract from the verdant and open character and appearance of the site and immediate area.
9. The proposed monopole mast would be 17m in height and would include a wraparound cabinet at its base, as well as a number of additional ancillary cabinets. The appeal submissions indicate that the development is required to provide the infrastructure necessary to provide the operational requirements for the new 5G (Fifth Generation) coverage, to meet an identified need to improve service in the area. I note the mast would be the minimum height required to achieve the operational requirements and that it, together with the cabinets would be coloured green to aid their assimilation into the area.
10. The presence of mature trees in the immediate vicinity would provide a backdrop to and would partially conceal the mast in views from some of the nearby residential properties. However, due to its height, it would be noticeably taller than the existing trees, street furniture and nearby residential properties. Moreover, the position of the development on rising ground in an exposed location would add to the visual prominence of the mast in the street scene.
11. Furthermore, whilst the proposed cabinets would be modest in scale and typical of the form of structures seen on roadsides, the number would be extensive, and they would protrude towards the road into the green space. As such, in addition to the proposed mast and existing cabinets near to the site, they would lead to undue visual clutter. I acknowledge that it may be that the cabinets themselves could be erected as permitted development, however there is no compelling evidence that this would take place in the absence of the proposed mast.
12. For the foregoing reasons, by virtue of its siting and appearance the proposal would be a dominant and overbearing feature in the street scene that would fail to integrate with its surroundings and would detract from the open and verdant setting of this area. I therefore conclude that the proposal would result in significant unacceptable harm to the character and appearance of the area.

13. The appellant highlights the fact that the site is not located within a conservation area or subject to any other such constraints, nevertheless this does not diminish the harm I have found.

Availability of alternative sites

14. The appeal submissions indicate that the appellant has carried out a desktop survey followed by a physical inspection of the cell area to explore alternative sites, including existing telecommunications sites, structures and buildings, which could potentially accommodate the equipment. No mast/site sharing opportunities or existing buildings/structures were identified as a result of this exercise. In addition, a number of alternative sites were discounted due to their proximity to residential properties or the fact that they would impede highway visibility or pedestrian movement, although it is unclear as to why only these 4 sites were chosen.
15. However, interested parties, including the Town Council, refer to alternative sites in the vicinity, including on nearby agricultural land or commercial buildings which it is suggested would be more appropriate. There is no detailed analysis of these potential other options. As such, from the evidence available to me I am not satisfied that it has been demonstrated that less harmful alternative sites have been fully explored. I therefore conclude that the need for the installation in this instance, does not outweigh the harm.

Conclusion

16. I acknowledge the support in the Framework for the expansion of electric communications networks, including 5G mobile technology and that advanced, high quality and reliable communications are considered essential for economic growth and social well-being. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching high quality design aims of the Framework, which seek to achieve well-designed places for the long term.
17. The harm I have identified with regards to the character and appearance of the area is not outweighed by the support in the Framework. Moreover, it has not been demonstrated that such benefits could not be achieved in an alternative way that would have a less harmful effect.
18. I therefore conclude that the appeal should be dismissed.

Emma Worley

INSPECTOR