
Appeal Decision

Site visit made on 26 May 2023

by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/J9497/W/22/3297643

Land at Lakehead Hill, Bellever, Yelverton PL20 6TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by The Home Office against the decision of Dartmoor National Park Authority.
 - The application Ref 0572/21, dated 15 October 2021, was refused by notice dated 19 January 2022.
 - The development proposed is installation of a 30m lattice tower on a concrete base upon which will be attached 3 no. antennas and 2 no. 0.6m transmission dishes along with associated ancillary 'MHA' units and cabling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the (i) landscape and scenic beauty, and (ii) the cultural heritage of this part of the Dartmoor National Park.

Reasons

3. The proposal seeks permission for installation of 30 metre lattice tower (mast) with 3 no. antennas, 2 no. transmission dishes within a 10 sqm fenced compound. Upgrading works to the access track are also proposed. The track would extend to around 290m in length, 3m in width and would comprise of a geotextile membrane of 200mm deep, with a reseeded top surface and would link the site to the nearest metalled highway.
4. The rationale behind the proposal is to upgrade the communication system for the Emergency Service Network (ESN) which will rely on the 4G network to share data, aid incident response times and co-ordinate rescues more efficiently. For operational reasons, telecommunication systems such as that proposed must have line-of-sight, which requires an elevated position free of obstructions from buildings and trees. Other mobile network operators would be able to install their own equipment onto the mast to widen the area's 4G network coverage.
5. The site chosen for the mast and compound is an elevated position on the edge of a conifer plantation on Lakehead Hill, north of Bellever Forest and the small settlement of Bellever. The site is within the Dartmoor National Park and therefore benefits from the highest status of protection in terms of its landscape quality and scenic beauty according to paragraph 174 of the National

- Planning Policy Framework (the Framework). As a landscape receptor, it is generally considered to be of high sensitivity to change.
6. The area is typical of the upland moorland landscape, in a wide, open space, with unspoilt panoramic views and a strong sense of tranquillity. These characteristics are described for this particular landscape character type (LCT), '1L - Upland Moorland with Tors', as defined by the 'Dartmoor Landscape Character Assessment' (2017) (the LCA). The LCA indicates that one of the pressures for change in this LCT is the increase in the numbers of prominent vertical structures, i.e., telecommunications masts, relating to increased demand for mobile and broadband infrastructure.
 7. As much of the land surrounding the site is open moorland with limited screening in the form of woodland blocks, the proposal has been deliberately sited within an area which is managed as a conifer plantation. The siting of the compound and mast within the trees will provide some screening benefit to minimise the visual harm, at least initially. This is apparent from the submitted photomontages which show the uppermost parts of the mast protruding above the canopies, as it would be required to do for operational reasons.
 8. The submitted Assessment of Landscape and Visual Impacts (ALVI) indicates that the proposal would generate a moderate overall impact on the local landscape. Through its elevated position, utilitarian form and design and considerable scale, it would be an incongruous and prominent feature in the landscape. Despite the tree cover which would shroud much of the compound and mast base from view, such a feature would not assimilate well within the receiving landscape which is relatively devoid of such prominent infrastructure, and thus, the effects would be negative. In my view, despite that there would be no harm to tranquillity, the magnitude of effects would be more moderate to highly negative given the landscape's high degree of sensitivity and the incongruity of the proposal with established features within the landscape.
 9. In terms of the visibility of the proposal, the submitted ALVI includes a zone of theoretical visibility (ZTV). The ZTV extends to a 5km radius from the site based on bare ground topography as it is considered that beyond this distance, such a structure would be generally imperceptible. The ALVI indicates that the mast would only be visible from around 37% of the ZTV area and generally more within the immediate areas surrounding the site and to the north and southeast. It is however envisaged that visibility would be either fully or partly obscured by intervening features, such as trees, buildings (where they occur) and vegetation, thus further reducing the 37% by an unquantified amount.
 10. The ALVI assesses four viewpoints within a range of approximately 266m to 1.5km away from the site. Each of the viewpoint receptors was either attributed a medium or high sensitivity value and the respective visual effects of the proposal were rated as moderately harmful, with which I concur.
 11. However, the evidence details that the plantation into which the mast and compound would be situated is managed as a commercial forestry by the Forestry Commission and it falls outside of the red line site area. It is stated that the long-term forestry felling plans for the area appear minimal and the dense tree cover will minimise the visual impact for many years. Despite requesting further information of this nature, the Appellant's evidence is scant on the forestry felling regime or how landscape effects would be minimised if in the event the trees were felled. In the absence of clear information about the

screening relied upon and the inability to control any replacement planting, there is a real prospect that the landscape and visual harms would be of a far greater magnitude in the future, with the entirety of the utilitarian structures widely visible within the surroundings.

12. I have considered the Appellant's suggestion that an alternative olive-like, dark brown colour could be used for the mast. Whilst this would be a positive change that could be conditioned, it would still not overcome the landscape and visual harm I have identified.
13. I have been referred to a number of other appeal decisions¹ which also relate to similar proposals in protected landscapes alike the appeal site. However, those cases appear to refer to smaller masts and were not so heavily reliant on the mitigation afforded by screening, the removal of which the Appellant has little detail of or control over. As such, my decision has focussed on the specific merits of this particular case.
14. For the reasons outlined and in the absence of clear evidence to the contrary, the proposal would harm the landscape and scenic beauty of this part of the Dartmoor National Park contrary to Policies 1.1, 1.2, 2.1, 2.4 and 4.7 of the Dartmoor Local Plan (adopted 2021). These Policies collectively seek to avoid prejudice to the National Park purpose, which includes to conserve and enhance its natural beauty, and ensure the location, layout, scale and design of development conserves or enhances what is special or distinctive about landscape character. For similar reasons, the proposal would also run counter to the expectations of the Framework in relation to protection of scenic beauty within National Parks.

Cultural heritage

15. The Council's Archaeology Specialist indicated that the route of the access track would appear to cut through a relic boundary of the prehistoric field system.
16. From my site visit, I noted the existence of the existing rough track which linked the field gate to the plantation to the nearest metalled road which had become overgrown. There was no above-ground evidence of the existing track having disturbed or severed any archaeological features associated with the prehistoric field system. But it is also unclear what level of excavation, if any, or what depth of material had been laid to create the existing track. The proposed track would upgrade the same existing track and would be reseeded for biodiversity reasons.
17. A condition to recommend an archaeological watching brief was suggested by the Council if the appeal were allowed. Given that a level of disturbance has already occurred, such an approach would record any remaining features of interest.
18. Therefore, subject to a planning condition, the proposal would not harm the cultural heritage of Dartmoor National Park and would therefore accord with Policies 1.1, 1.2, 2.4 and 2.7 of the Dartmoor Local Plan. Amongst other things, these Policies seek to ensure development conserves important historic and cultural features and also protects features of archaeological interest.

¹ Including appeal references: APP/J9497/W/18/3206470 and APP/J9497/W/17/3187857

Benefits against harms

19. Put simply, a telecommunications mast cannot support the purpose of the National Park, which exists as a place of landscape quality and scenic beauty. Consequently, there is an unavoidable tension between the technological requirements of enabling cellular coverage and minimising any visual effects.
20. The evidence is clear that the proposal would be the minimum scale necessary in this location to meet the requirement of providing enhanced ESN coverage where it is needed. No lower mast could serve the purposes as capably and no existing infrastructure could host the equipment instead.
21. It appears from the evidence that the Appellant and Authority have discussed the proposal for a considerable period. Whilst a range of alternative sites have been considered in some detail, the Appellant asserts that these are either not feasible and/or would not serve the same or similar purposes without any less damaging effects on the National Park landscape in any event.
22. Policy 4.7 of the Local Plan relates to telecommunications development and indicates that such will only be permitted where (a) it could not be sited less harmfully, (b) is located and designed to minimise its impact and, (c), it does not cause substantial harm to the character and appearance to the National Park's landscape character, heritage significance and tranquillity.
23. Whilst on the face of the evidence, the proposal does not appear to be capable of being sited elsewhere without undermining the extent of coverage, the magnitude of harm and chosen location have not been sufficiently qualified with particular regard to the tree screening that would be relied upon. The full or partial removal of the tree screening without replacement landscaping would worsen the effects on the character and appearance to that of a substantial nature and therefore, conflict arises with Policy 4.7 of the Dartmoor Local Plan. The identified harms therefore bring the proposal into conflict with the development plan when considered as a whole.
24. The proposal would deliver many social and economic benefits through helping to improve the response times and coordination of the Emergency Services in such a remote location, but also by providing enhanced digital connectivity, helping to avoid the urban/rural digital divide. This would also help residents of the National Park to reduce their need to travel through accessing essential services or work more remotely. The Framework recognises the importance of advanced, high quality and reliable communications infrastructure for economic growth and social well-being and indicates that planning policies and decisions should support the expansion of electronic communications networks.
25. However, in my view, the public benefits do not outweigh the identified harms or provide a reason to determine the appeal other than in accordance with the development plan.

Conclusion

26. For the foregoing reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR