



Appeal Decision

Site visit made on 16 May 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2023

Appeal Ref: APP/Y0435/W/22/3306437

MIK20966 - Barnfield Drive Streetworks, Barnfield Drive, Netherfield, Milton Keynes MK6 4HT

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Milton Keynes Council.
 - The application Ref 22/01234/PRIOR, dated 13 May 2022, was refused by notice dated 7 July 2022.
 - The development proposed is the installation of an 18 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.
3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues in this appeal are the effects of the siting and appearance of the proposal 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

Character and appearance

5. Barnfield Drive forms a main route through the Netherfield estate, interspersed by roundabouts at regular intervals. Uniform rows of flat-roofed, terraced houses and flats clad with corrugated metal run perpendicular to Barnfield Drive, forming a grid layout. Whilst not located within a conservation area or subject to any statutory landscape designation, the layout of streets and form of dwellings provides the area with a distinctive, modernist character.
6. Wide, tree-lined grass verges which flank Barnfield Drive, contribute a sense of openness and greenery to the area's character. The grass verges are largely free from built features. Through its siting on an area of grass verge, the proposal would therefore erode the open character of the area.
7. The proposed installation would be near the flank wall of a row of dwellings and not directly in front of any residential properties. However, due to the road layout and open character of the road frontage, the siting of the proposed installation would be within a prominent location within the street scene.
8. The presence of buildings, lampposts, and trees particularly when in full leaf, would help screen views of the lower portion of the installation. However, whilst I note that 18m is the lowest height required to deliver the service, the proposed monopole would significantly exceed the height of surrounding buildings and features.
9. Notably, the top section of the monopole, including the bulk of the antennas, would be clearly visible above the height of trees and the area's flat-roofed buildings and would appear conspicuous from a distance along Barnfield Drive. Due to the substantial difference in height, nearby buildings and vertical structures would not adequately assimilate the proposed installation into the street scene, and the monopole would appear out of scale and unduly dominant within the street scene.
10. I note the design of the proposal has sought to minimise visual intrusion whilst meeting the operational requirements of the network. However, whilst the proposed installation would be coloured so as to help it blend into the street scene, this would not adequately mitigate the harm which arises from its height and mass.
11. For these reasons, the siting and appearance of the proposal would harm the character and appearance of the area. Having regard to the Framework insofar that it is relevant to matters of siting and appearance, the proposal would not comply with paragraph 115 which requires that equipment at new sites be sympathetically designed. In addition, the proposal would not accord with the guidance contained in the Milton Keynes Council Telecommunications System Policy Supplementary Planning Document 2005 which advises that telecommunications development be designed to suitably blend into or be hidden by the existing landscape.

Other considerations

12. I have found that the siting of the proposed installation would result in harm to the character and appearance of the area. This harm should be weighed against the need for the installation to be sited as proposed.

13. Paragraph 115 of the Framework indicates that the number of communications masts and sites should be kept to a minimum consistent with the needs of consumers and the efficient operation of the network, and the use of existing masts, buildings and other structures should be encouraged. The appellant's site selection process followed a sequential approach, as required by the Framework.
14. No opportunities for site sharing or suitable existing buildings or structures are available within the cell search area, and therefore a new site for a ground-based installation is necessary to provide the telecommunications service in the target area.
15. The appellant's coverage map shows a relatively large area of the Netherfield estate lacks network coverage and indicates a target area for the siting of the proposed installation. The appellant identified four alternative site options around the periphery of the Netherfield estate. However, all site options were discounted on the basis they are located outside the search area and would not provide coverage to the target area. Since the sites would not provide necessary coverage to the target area, I do not consider those sites to be alternative options.
16. I note that the appellant has sought to avoid land directly overlooked by dwellings. However, the Netherfield estate incorporates a large amount of amenity land and areas of public open space, including within the target area. It is unclear why such land was not considered during the site selection process.
17. As per the provisions of the GPDO 2015, the installation must be sited somewhere within the target area. Paragraph 117 of the Framework requires proposals for electronic communications development be supported by the necessary evidence to justify the proposed development. However, from the evidence before me, I am not convinced that there are no other alternative sites within the locality for the proposed installation. Therefore, in the absence of compelling evidence, I attach limited weight to the need to site the proposed development at this location.

Other Matters

18. The appellant has summarised the benefits the proposal would provide to the area through improved telecommunications services. However, the GPDO 2015 is clear that the only considerations should be the siting and appearance of the proposal. Such social and economic benefits have been effectively recognised by Article 3(1).

Conclusion

19. As set out above, the proposal would harm the character and appearance of the area. In the absence of compelling evidence that there are no suitable alternative sites in the target area, I find that this harm is not outweighed by the need for the installation to be sited as proposed. I therefore conclude that the appeal should be dismissed.

E Dade

INSPECTOR