



Appeal Decision

Site visit made on 3 May 2023

by C Harding BA(Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/P0240/W/22/3307119

**Ickwell Road Streetworks, Ickwell Road Upper, Caldecote, Northill
SG18 9DG**

- 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 CK Hutchinson Networks (UK) Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/02774/TD, dated 2 July 2022, was refused by notice dated 30 August 2022.
 - The development proposed is described as "Proposed telecommunications installation: Proposed 16.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and County 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 provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. I have had regard to the policies of the development plan, supplementary guidance, and the National Planning Policy Framework ('the Framework') only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation upon the character and appearance of the area and upon highway safety.

Reasons

Character and appearance

5. The appeal site comprises part of an area of wide grassed verge adjacent to Ickwell Road, located at a point of transition between open countryside and the western edge of Upper Caldecote. Ickwell Road is a relatively straight rural

road which forms the western entrance to the village, and connects Upper Caldecote with Ickwell and Northill.

6. The immediate area is rural in nature with notably flat topography, which is a characteristic of the surrounding countryside, and affords long views across agricultural fields both away from and towards the appeal site. The grass verge contains a small number of trees of varying age and size, however there are no significant groups or specimens, and the road is visually enclosed by low hedgerows as opposed to being meaningfully screened by trees.
7. The installation of the appeal proposal at this location would result in a structure of significant vertical proportions, which would be noticeably higher than any other structure or tree within the vicinity. The edge-of-settlement character of the area means that there is a noticeable absence of street furniture, beyond isolated telegraph poles and road signage marking the edge of the settlement. In addition, the flat topography of the area means that the proposed installation would be visible and prominent in longer views towards the village and by being located outside of the village envelope would appear as an incongruous urban feature within the landscape.
8. I understand that planning permission has been granted for a pair of residential developments within the immediate area of the appeal site, and to the south of Ickwell Road. These comprise two separate developments of three and 24 dwellings. Whilst there is no evidence before me that would indicate that these particular permissions have been implemented, the approval of reserved matters for the larger scheme, along with representations received from the developer indicate that this scheme at least has a reasonable prospect of being delivered.
9. If implemented, this development would form a backdrop for the appeal proposal and would lead to the area having a more urban character than at present. Whilst this would lead to the appeal proposal being located within a more urban context, it would be unlikely to reduce its prominence, which would primarily result from the height of the structure. Furthermore, the approved layout for this development indicates that the proposed equipment would be located in close proximity to the front elevations of three properties, and as a result would be highly visible from these properties.
10. However, as this residential development has not yet been commenced and its delivery, even if reasonably likely, appears to remain theoretical, this is a matter to which I can afford only very modest weight.
11. Nevertheless, having regard to the current context of the appeal site, I conclude that the siting and appearance of the appeal proposal would harmfully detract from the character and appearance of the area.

Highway safety

12. The proposed equipment would be located such that it would be set away from the edge of the carriageway and would not affect the movement of pedestrians. In this location, Ickwell Road is straight and with good visibility. The proposed apparatus would be located such that it would not interfere with the operation of the existing road network, nor appear as a distraction to drivers. Although vehicles associated with site maintenance would be required to park on the road, I consider that the occasional parking of a service vehicle would not prejudice highway safety.

13. Concerns are raised by the Council and the developer of the nearby residential development subject to reserved matters approval CB/21/04268/RM that the proposed apparatus would be situated within visibility splays associated with the entrance to this development should it be delivered. I acknowledge that the appeal proposal could be situated such that it could potentially interfere with the levels of visibility available to drivers leaving the approved residential development. However, there is no indication that this development has commenced, and its implementation even if reasonably likely, remains only a theoretical possibility. Accordingly, I can afford only very modest weight to these concerns.
14. Therefore, on the basis of the evidence which is before me, including the current context of the site, I conclude that the siting and appearance of the proposed apparatus would not lead to significant harm to highway safety.

Other matters

15. The appellant has indicated that the proposed apparatus could be colour treated. Whilst such a treatment could serve to reduce the effects of the proposed apparatus, no colour is specified on the provided plans, and the GDPO 2015 does not provide any specific authority for imposing additional conditions beyond those that it sets out. Accordingly, with no mechanism available to secure any colour treatment of the apparatus, and with no colour being otherwise specified, I cannot afford weight to this in reaching my decision.

Balance and conclusion

16. Paragraph 114 of the Framework highlights the importance of advanced, high quality and reliable communication infrastructure. There is no basis to question the appellant's contention that additional equipment is necessary to achieve the required standard of network coverage, that there is a restricted selection of alternative sites within the area, and that the scale of the proposed equipment is of the minimum required in order to provide adequate coverage.
17. However, whilst I acknowledge the general technical limitations of 5G equipment, there is little evidence before me with regards to the discounting of potential alternative sites, including 'Options 2 and 3' as set out in the appellant's statement for which no discussion has been offered, or the consideration of building-mounted options. As a result, I am not convinced that all potential alternatives to the proposed installation have been fully explored.
18. Therefore, it is my overall view that whilst there would be public benefits arising from the proposal including improvements to 5G service level, connectivity and coverage, these would not be sufficient to outweigh the harm to the character and appearance of the area that I have identified would result from the siting and appearance of the proposed apparatus.
19. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR