



Appeal Decision

Site visit made on 25 May 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/G2435/W/22/3309479

West Meadow Lane SW, West End Road, Loughborough LE12 5DW

- 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 Cornerstone against the decision of North West Leicestershire District Council.
 - The application Ref 22/00084/T56, dated 11 January 2022, was refused by notice dated 21 April 2022.
 - The development proposed is the installation of a 20 metre high slim-line monopole supporting 6 no. antennas, 2 no. equipment cabinets, and ancillary development thereto, including 3 no. Remote Radio Heads.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of 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. My determination of this appeal has been made on the same basis. Also, I have only had regard to the development plan and the National Planning Policy Framework ('the Framework') insofar as they are material to matters of siting and appearance.

Main Issue

3. 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

4. The appeal relates to an area of highway verge at the junction of West End and West Meadow Lane ('the site'). This principally comprises a grassed area with a mown pathway along it. The site also features a mature tree, along with other vegetation (smaller trees / hedgerow) sited towards the southern boundary of the verge. Although the site is not formally designated as open space, it is also planted with daffodil bulbs as a Marie Curie "Field of Hope" and therefore is of significance to some local residents.

5. Moreover, because the site is located near a junction and this part of West End Road forms the principal route into the settlement of Long Whatton, from the west, the appeal site is particularly prominent.
6. The proposal is required to provide enhanced 2G, 3G, 4G coverage and capacity as well as new 5G service provision to ensure that its customers experience access to the latest technologies currently available. In particular, based on the submitted coverage plots, the proposed installation would provide dense urban coverage to the surrounding area including the main road networks.
7. Whilst I note that the wider context of the site includes the M1 gantry. This is located further east from the appeal site and based on my observations is largely screened and dominated by adjacent landscaping. As such, the gantry is not particularly prominent in views from the appeal site along West End. Also, existing street furniture is limited to some road signs near the appeal site which are of a modest scale and settled within the street scene. Any taller elements of street furniture such as telegraph poles are much closer to the settlement of Long Whatton.
8. Most notably, the surrounding area to the site, largely comprises open agricultural land with landscaped field boundaries adjacent to the highway. As such, the surrounding area has a distinctly rural character and verdant appearance. Because the site is largely landscaped, this also positively contributes to this character and appearance of the area.
9. In the above context, the proposed telecommunications apparatus by its nature would be appreciably uncharacteristic.
10. Whilst I acknowledge that the nearby mature tree would offer some screening of the proposed monopole, this would be largely limited to views from the west and to its lower section. Whereas the upper section of the monopole would tower above this and nearby trees. Furthermore, its more bulky and visibly distinct headframe design in relation to the supporting column, would be particularly appreciable irrespective of its proposed colour. Also, in my view, and notwithstanding the alignment of the road, the visual impact of the proposed development, when leaving Long Whatton along West End, would also be particularly apparent.
11. Consequently, the proposed monopole would appear as a visually dominant structure, which would appear uncharacteristic and unduly strident within its rural setting.
12. The proposed cabinets would be coloured Green. However, although this would assist somewhat in their assimilation, the considerable height of the proposed monopole would be such that this factor would not be sufficient to off-set the harm already identified.
13. Based on my observations, the position of the monopole and cabinets in proximity of a junction and the roadside, would further contribute to the visual dominance of the proposal as perceived by passing drivers, pedestrians and other highway users.
14. For the above reasons, even though the impact of the proposed installation would be localised, by virtue of its height and siting and prominent location, this would be a visually incongruous and unsympathetic addition to its context.

I, therefore, conclude that the siting and appearance of the proposal would be significantly harmful to the character and appearance of the area.

15. The proposal would therefore be contrary to Policies D1 and D3 of the adopted North West Leicestershire Local Plan, insofar as these are material to this application for prior approval.

Other considerations

16. Support for the delivery of advanced, high quality and reliable communications networks is afforded by the Framework, other government documents as set out in the appellant's submissions and the development plan, and such networks bring significant social and economic benefits. I have also taken account of the sustainability, environmental, education and health benefits associated with improved telecommunications apparatus.
17. Paragraph 117(c) 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.
18. The sequential approach to site selection includes: 1. Upgrading an operator's own existing base station(s); 2. Using existing telecommunications structures belonging to another code system operator, i.e., mast sharing; 3. Co-location or site sharing alongside existing telecommunications development; 4. Installing a base station on an existing building or tall structure. If 1-4 are unavailable, the only viable option is 5. Erection of a new ground-based mast. In this case, based on the appellant's evidence it would appear that having discounted other sites, that the proposed new ground-based mast in the proposed location is the only option.
19. Furthermore, the appellant has identified other constraints associated with the surrounding area including designated sites, heritage assets and electricity and gas infrastructure. However, without knowing how these would constrain a specific site and proposal, I attach limited weight to such matters.
20. Whilst I am aware that permitted development rights in this land use and designation extend to apparatus up to 25m in height and the proposal could be in a different form, such as a lattice tower, the proposal before me is for a 20m slim-line monopole and I have determined the appeal on this basis.
21. The appellant has referred me to other appeal decisions relating to proposals for telecommunications apparatus. In light of appeals APP/P4605/W/19/3241791, APP/L1765/W/18/3197522, and a letter relating to planning costs award in relation to APP/G5180/W/16/3151769, my attention has been drawn to the importance of the consideration of public benefits in the decision-making process. This is essentially a matter of judgement for the decision maker.
22. In the Havering appeal for a 25m lattice mast, the Inspector found that telecommunications apparatus is essential infrastructure with a very specific technical and locational task to perform. Nevertheless, in that case, the Inspector also found that there would be no significant harm.
23. In respect of the London appeal, the appellant asserts that a very similar scheme to the proposal before me, in terms of trees and tree heights was allowed despite there being some harm identified.

24. However, because I only have limited details regarding the context surrounding the proposals for the above appeals, it has not been demonstrated that these examples are sufficiently comparable with the appeal scheme. Accordingly, these do not alter my findings.

Other Matters

25. The appeal documentation contains an International Commission on Non-Ionizing Radiation Protection declaration. Therefore, in line with the requirements of the Framework, I have no reason to believe that the proposed development would lead to an adverse effect upon the health of individuals

Planning balance and Conclusion

26. I have taken account of the potential public benefits of the proposal detailed by the appellant, and the support given elsewhere and by the Framework for high quality and reliable communications infrastructure, including 5G networks, in supporting economic growth and social well-being.
27. However, whilst I attach considerable weight to the support and benefits identified and the locational needs for the proposal, as set out in the appellant's submissions, these do not 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