



Appeal Decision

Site visit made on 31 May 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/D2510/W/22/3310481

The Green, Chapel St Leonards, East Lindsey PE24 5TG

- 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 East Lindsey District Council.
 - The application Ref N/031/00648/22, dated 29 March 2022, was refused by notice dated 16 May 2022.
 - The development proposed is proposed telecommunications installation: proposed 15.0m Phase 9 super slimline Monopole and associated ancillary works.
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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), under Article 3(1) and Schedule 2, Part 16, Class A 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 Council has referred to a number of development plan policies in its decision notice. However, the principle of development is established by the GPDO as set out above and its provisions do not require regard to be had to the development plan. I have nonetheless had regard to the policies of the development plan, namely the East Lindsey Local Plan Core Strategy adopted July 2018 (ELLP) and the National Planning Policy Framework (the Framework) only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation 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. The appeal site is a grass verge within The Green immediately adjacent to the Co-op supermarket. It is a prominent location within Chapel St Leonards, with commercial development set around The Green, The Pullover and Sea Bank Road. There is an area of public open space surrounded by these roads, along with a more expansive area of public open space adjacent to The Pullover. The surrounding development is generally two storey in height, with a range of designs which serve to limit the mass of the buildings, giving the built development a restrained scale.
6. The proposed mast would be 15m in height with a utilitarian appearance. I acknowledge the appellant has sought to minimise the appearance of the mast following previous decisions through the use of a super slimline monopole and that technical requirements dictate its height. However, it would be considerably taller than the Co-op supermarket and the adjacent telegraph pole. It would therefore be a dominant and incongruous feature given the generally limited height of the surrounding development.
7. Given this height and the prominent location of the site, the mast would be particularly conspicuous in views along South Road, Vine Road, Sea Bank Road and The Pullover across the open space. This would also be the case for users of the surrounding public open spaces and occupiers of surrounding buildings that look towards the site. It would also likely be visible above other buildings when viewed in longer distance views from the north along Sea Bank Road, and from The Pullover when moving west from the beach.
8. This prominence would be further exacerbated by the siting of the cabinets as part of the installation. Their height and functional appearance in relation to the canopy feature on the Co-op building would emphasise the scale of the proposed installation in contrast with the more restrained existing development. Alongside the existing benches, bin and post box, it would create visual clutter which would be harmful. I acknowledge that the cabinets are permitted development with no requirement for prior approval. However, it seems unlikely that the cabinets would be installed without the mast, and so it is reasonable to assess the impact of the mast and the associated cabinets together.
9. The flat topography of the area and the lack of tree cover, in conjunction with the restrained height of development in the area does limit the potential for the proposed installation to be more effectively integrated into the street. The site does not benefit from any statutory designation. However, the surrounding area does have a distinctive character as a seaside destination and a distinctive appearance arising from the varying styles of development. This character and appearance would be harmed for the reasons I have set out above.
10. A number of alternative sites have been considered and subsequently discounted. This has been evidenced through a map of the cell search area and a brief commentary on why each of the alternative sites is unsuitable. The main reasons given are pavement width restrictions and relationship to residential housing, with overhead cables, visibility concerns and exposure also being factors. The distinction between an options site and a further discounted options site is not clear. However, the sites have been identified and assessed and the nature of the categories would not be a determinative factor.
11. From my observations on my site visit, built development in Chapel St Leonards is predominantly residential and is typically modest in height. There

are expansive areas of caravans. This makes it likely that any mast would be considerably taller than the surrounding structures. The flat topography, long views along streets and lack of tree cover mean there is limited opportunity for screening which would help integrate any mast into the street scene. Pavements typically were of limited width and would not be sufficient to allow for the installation of the mast and supporting cabins. I also noted the overhead cables referred to by the appellant.

12. However, Option 2 has been discounted for the reason of 'exposure'. There is no explanation as to what this means or why the adverse effect of exposure at this site is greater than that of the appeal site. This site does not have the same constraints of limited pavement width, proximity to residential dwellings and overhead cables that I accept have discounted the other sites. As such, I am not convinced that a robust review of possible site options within the search area has been conducted. I therefore have insufficient evidence before me to be satisfied that the appeal site represents the least harmful option available in the area to meet the additional coverage and capacity requirements.
13. Paragraph 114 of the Framework confirms that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology such as the 5G network that would be supported by the proposed development. As such, the proposal would provide significant benefits through the improved coverage and capacity in the locality.
14. However, based on the evidence before me, it has not been demonstrated that the appeal site is the best available option for minimising the effect of the proposed installation. I therefore conclude that the benefits would not outweigh the harm I have identified to the character and appearance of the area.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR