



Appeal Decision

Site visit made on 7 June 2023

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2023

Appeal Ref: APP/J1915/W/22/3307861

Great Hadham Road, Bishop's Stortford, Hertfordshire

- 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).
 - The appeal is made by CK Hutchison Networks (UK) Ltd. against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1540/TEL dated 19 July 2022, was refused by notice dated 13 September 2022.
 - The development proposed is a 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Although the appellant's appeal statement is accurate in relation to the site address, development details and plans, it refers to an application reference number of 3/22/1385/TEL, which is incorrect. I also observed that the cell area & discounted options in this document differ from those shown in the site specific information & planning justification statement. For the avoidance of doubt, I have therefore assessed the scheme on the basis of both sets of discounted options and have treated the reference to 3/22/1385/TEL as a typing error.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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, taking into account any representations received. My determination of this appeal has been made on the same basis.

Planning Policy

4. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan and the Framework¹ only in so far as they are a material consideration relevant to matters of siting and appearance.

¹ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

Main issue

5. The principle of development is not subject to consideration in a prior approval application as this is established by virtue of the GPDO. As a consequence, the matter referred to by the Council of whether or not the proposal represents inappropriate development in the Green Belt does not arise.
6. Accordingly, the main issues are the effect of the siting and appearance of the proposed installation on the character & appearance of the area and pedestrian safety, 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

7. The proposed installation would be located on a public footway on the northern side of Great Hadham Road (B1004), a main route leading into the centre of Bishop's Stortford. The Council states that the appeal site also falls within the Metropolitan Green Belt and an adopted Green Wedge. This stretch of the road is enclosed by a woodland belt to its northern side and a large area of parkland to the south screened by mature trees and hedgerows. Overall, I found the area to have a semi-rural character.
8. Although the street scene surrounding the proposed installation includes a street light column, this is of a limited height and commonly found in the public realm adjacent to roads. As a consequence, its prominence and visual impact in the street scene is muted.
9. On the other hand, the proposed installation, with 20 metre high monopole mast, would project well above the woodland belt and street light column and be positioned in a highly exposed location such that it would be clearly visible when approaching in both directions on Great Hadham Road. It would as a consequence appear as an intrusive and prominent feature in the street scene and cause significant harm to the character and appearance of the area.
10. Paragraph 115 of the Framework states that where new sites are required (such as for 5G), equipment should be sympathetically designed and camouflaged where appropriate. Set against this context, I recognise that the appellant has designed the installation to be as low as possible to mitigate its impact against the backdrop of the existing woodland belt. I also acknowledge that there is a lamp post nearby, along with inspection chambers, and that the site does not fall within a conservation area. However, none of these factors are sufficient to mitigate the harmfully incongruous and intrusive appearance of the proposal in this prominent location.
11. The safety and free flow of pedestrians would also be significantly impaired by the scheme's obstruction of the footway. Whilst I recognise that the development proposes a footpath extension into the grass verge to enable pedestrians to walk around the equipment, this would constitute an abrupt change in the footway's straight alignment that would be more difficult to navigate for parents with pushchairs and people with disabilities/mobility difficulties, such as those with a guide dog/white mobility cane or in wheelchairs/mobility scooters. This harm would be intensified by the equipment restricting visibility of oncoming pedestrians, which would lead to conflict

- between users of the footway. The scheme would as a consequence result in harm to pedestrian safety.
12. Reference has been made to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance.
 13. In view of the above, and insofar as they are material considerations relevant to matters of siting and appearance, I conclude that the scheme's harm to the character & appearance of the area and pedestrian safety would conflict with Policies ED3 and DES4 of the District Plan², which collectively seek, amongst other things;- (1) that new structures are sympathetically and appropriately located; (2) that proposals respect the character of the site and surrounding area; and (3) that development maximises accessibility of the public realm and enables easy navigation and movement through space.
 14. Furthermore, I also find that insofar as it is a material consideration relevant to matters of siting and appearance, that the scheme's harm to pedestrian safety would conflict with Paragraph 112 of the Framework which seeks, amongst other things, to ensure: (1) the needs of people with disabilities and reduced mobility are addressed; and (2) the creation of safe places that minimise the scope for conflicts between pedestrians.
 15. The Government has set out its commitment to supporting the deployment of gigabit broadband across the country and bringing digital connectivity to local businesses & residents to enable faster economic growth and social inclusion³.
 16. This is reinforced by Paragraph 114 of the Framework which states that 'advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being' and that 'planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre connections.'
 17. Set against the above context, I recognise that the purpose of the installation is to provide new 5G coverage which would facilitate significantly improved connectivity for the target coverage area and that the scheme would accordingly provide public benefits in accordance with the economic and social objectives of the Framework. I also acknowledge that it would be available for sharing by another operator.
 18. Nevertheless, the Framework also states at Paragraph 117 that for a new mast or base station, evidence must be supplied that the operator has explored the possibility of erecting antennas on an existing building, mast or other structure. Although the appellant states that they have carried this objective out and considered a variety of other locations, I do not consider it has been sufficiently evidenced and demonstrated that there exist no other; (1) masts in the locality that could be shared; and (2) alternative sites in a less prominent position, potentially accompanied by a more inconspicuous design of mast, that could also prove suitable and less harmful (such as recessing the mast into the Woodland belt to the north, or within the parkland to the south towards its edge where it could be screened by new and existing landscaping, or by combining a monopole mast with an existing street light column). As a

² East Herts District Plan, October 2018, East Herts Council.

³ Written statements by the Department for Digital, Culture, Media & Sport and Ministry of Housing, Communities and Local Government dated 7 March 2019 and 27 August 2000.

consequence, I am not convinced that no suitable alternatives exist that would prove less harmful.

19. The proposed installation is not therefore acceptable in respect of its siting and appearance.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

Robert Fallon

INSPECTOR