The Planning Inspectorate

Appeal Decision

Site visit made on 11 May 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2023

Appeal Ref: APP/L5240/W/22/3305019
Land at the junction of Kent Gate Way and Lodge Lane, Croydon CR0 9DG

- 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 London Borough of Croydon.
- The application Ref 22/02006/PA8, dated 13 May 2022, was refused by notice dated 6 July 2022.
- The development proposed is described as the installation of a 15-metre-high monopole supporting 6 no. antennas, 4 no. equipment cabinets at ground level and development works ancillary thereto.

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, 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 Council's decision notice refers to policies of the Croydon Local Plan (CLP) (2018), the London Plan (2021), and the National Planning Policy Framework ('the Framework') (2021). The principle of development is established by the GPDO, and its provisions do not require regard to be had to the development plan or the Framework. Nevertheless, such policies and guidance are material considerations where they relate to issues of siting and appearance.

Main Issues

4. The main issues are:

   - the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including on its openness; and

   - if any harm is identified, whether this would be 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 comprises a wide grassed verge within the Metropolitan Green Belt, alongside a roundabout junction. There are some trees on the roundabout itself, with residential properties beyond. The site's character reflects a transition into the countryside, due to the adjacent open fields separated from the appeal site only by a low hedge, and a range of views encompassing mature trees. The appeal seeks prior approval for the erection of a 15m high monopole with associated cabinets around its base.

6. Despite its proposed dark green colour, the proposed monopole would be highly visible around the junction area, and in longer range views from some of the nearby roads and properties. It would clearly rise above the low skyline and be a utilitarian structure with a very significant height difference to anything nearby. It would thus appear as alien and obtrusive compared to the area's existing open character and scale and the open field setting. The trees on the roundabout would not sufficiently allow the monopole to blend into its surroundings due to their separation distance and lower height, with any cover provided also varying seasonally. Existing lamp posts would also be significantly lower and slimmer, and so would not allow for assimilation.

7. At ground level, the installation would occupy a considerable area of space and add significant cumulative street furniture. This would detract from the overall impression of an open area of verge blending with the low hedgerow and fields behind. Although in general a street pole and cabinets are often found in such urban locations, and the area is not covered by any environmental or statutory designations, it would be unduly prominent and dominant in the streetscene across a relatively wide area.

8. Overall, I find that the siting and appearance of the proposed installation would result in significant harm to the character and appearance of the area, including on its openness.

9. Insofar as the development plan policies and supplementary planning guidance are material considerations, I find therefore that the proposal would not comply with Policies SP1, SP4, and DM10 of the Croydon Local Plan, Policy D3 of the London Plan, and the Framework. These seek to achieve well-designed places, and require development to be of high quality design which respects and enhances the local character, including an expectation that 5G equipment is sympathetically designed and camouflaged. Additional Green Belt protection policies were cited in the reason for refusal, but do not have direct relevance to a prior approval consideration for communications infrastructure.

Suitable Alternative Sites

10. The Framework includes a section on supporting high quality communications, and paragraph 118 confirms that the need for this electronic communications system should not be questioned. The development plan also recognises the importance of modern telecommunications. However, the Framework paragraph 117c) does require evidence to demonstrate exploration of alternative options and sites, with the availability of less harmful, alternative sites being a material consideration.

11. I acknowledge that the site is not directly adjacent to residential properties, and also that its proximity to the centre of the search area is ideal from a technical perspective. However, the evidence does not include detailed mapping or analysis of the potential for mast sharing, co-location, or installing a base station on an existing building within the wider area. Only the closest non-residential property to the centre of the search area is identified as a discounted option.

12. Furthermore, the appellant explains that the intended target/search area has a radius of approximately 100 metres and is centred over the Croydon area. However, this is not clearly identified on the mapping provided. Only a very brief commentary on a few discounted site options is provided. Without detailed constraint mapping, it is not clear as to how these options were identified. For example, a site closer to the tram lines is discounted due to proximity restrictions, but these restrictions are not identified or mapped in detail. A lack of footpath making access difficult is also identified as a reason to discount another site, but I have not been provided with evidence that this would be insurmountable.

13. Overall therefore, I am not persuaded from the evidence that all potential options and sites for potentially less harmful alternatives have been sufficiently assessed and discounted.

Other Matters

14. In accordance with the GPDO, my consideration of siting and appearance has not taken into account any social and economic benefits of the proposal. However, the general need for the proposal weighs in its favour, and I note the support in the Framework for high quality communications infrastructure, and that policies and decisions should support the expansion of the communications network. I give this moderate weight in favour of the development as a material consideration.

Conclusion

15. While the need for communications infrastructure is an important consideration, it has not been shown that no other more suitable sites are available. In the absence of a clear demonstration of a need for the proposed monopole in this particular location, this general need for sites does not outweigh the significant harm I have found due to its siting and appearance, and the conflict with the development plan and the Framework, where material.

16. For the reasons given above, I therefore conclude that the appeal is dismissed.

L Hughes

INSPECTOR