



Appeal Decision

Site visit made on 13 June 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/Y0435/W/22/3311891

Fern Grove, Bletchley, Milton Keynes MK2 3HQ

- 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 MBNL, EE Ltd & H3G (UK) Ltd against the decision of Milton Keynes Council.
 - The application Ref 22/01071/PANTEL, dated 27 April 2022, was refused by notice dated 21 June 2022.
 - The development proposed is the installation of a 20m monopole, 12 no. antennas, 2 no. 600mm transmission dishes, 7 no. equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The provisions of the Town and Country 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.

Planning Policy

3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the guidance set out in the Milton Keynes Council Telecommunications System Policy 2005 (TSP) together with the National Planning Policy Framework (the Framework), in so far as they are material considerations relevant to the matters of siting and appearance. I note the appellant has referred me to an appeal decision¹ which confirms this approach.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposal 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.

¹ APP/W5780/W/17/3171954

Reasons

Character and appearance

5. The appeal site lies within an area of open space located along the edge of a residential area. Mature trees are situated within the open space and alongside the road. The proposal would be sited adjacent to a pedestrian footpath that leads towards the housing located to the south of the appeal site. The areas of green space alongside Fern Grove, whilst they are not recreational in use, do provide pleasant breaks in built form and add to the pattern and rhythm of soft landscaping throughout the area. Built form along the southern side of Fern Grove around the appeal site is low in scale being two or three storey terraces of dwellings with flat roofs or single storey development with low hipped roofs. Opposite the appeal site are the grounds of the school and sports college, although the significant majority of the associated buildings are set back from the road frontage.
6. The proposed development relates to the installation of a 20 metre monopole together with 7 equipment cabinets. The proposed cabinets would be located around the base of the monopole, set back from the road within the open space area. The trees within the open space and the surrounding area along with the streetlights do provide existing vertical features within the area. To some extent the existing trees would provide a degree of contextual backdrop for the proposal when viewed from certain points. I note that the appellant asserts that they would ensure that the trees were protected during installation works to ensure they are maintained in the longer term.
7. However, the proposed monopole, due to the operational requirements would sit above these existing vertical features. The proposed girth and equipment located at the top of the monopole would be bulkier than that of the nearby streetlights and would be different in character and appearance to the trees.
8. Direct views towards the proposal would not be possible from the windows of the nearest neighbouring properties. However, views of the proposal would be particularly prominent from the individual garden spaces, adjacent car parking areas and the network of footpaths that provide pedestrian access to the residential area. Given the open and verdant character of the area and the relatively low level of existing built form in comparison, the proposed monopole, despite the use of a less prominent colour finish, would read as a highly prominent feature and an obtrusive addition to Fern Grove. It would be more dominant in the winter months when the tree canopies are more open and provide less screening.
9. The appellant has drawn my attention to other appeal decisions² which were allowed for what they consider to be similar proposals. From the evidence before me however, both examples referred to were for the replacement of an existing monopole and the surrounding context of the sites were different to the one before me. I therefore attribute limited weight to these considerations.
10. There would be a significant number of equipment cabinets installed as part of the proposal in an area of open space where there is no existing street furniture currently. However, given the overall height of the cabinets proposed and how they would relate to the existing hedgerow that runs alongside the

² APP/N5090/W/20/3245093 and APP/Q1445/W/20/3249294

opposite side of the footpath and the boundary wall to the neighbouring dwelling, along with the set back from the road, they would not be overly prominent.

11. Notwithstanding my findings regarding the proposed cabinets, for the above reasons, I find that the siting and appearance of the proposal would harm the character and appearance of the area. Although not included in the Council's reason for refusal, policies D1 and D2 of the Plan: MK 2016 - 2031 Adopted March 2019 (LP) were referred to in its Statement of Case. The appellant has commented on these policies in both their Statement of Case and final comment submissions.
12. Policies D1 and D2 of the LP are material considerations as they relate to issues of siting and appearance and I find that the proposal would be contrary to them. These policies seek, amongst other things, to ensure development proposals respond appropriately to the site and surrounding context and create a positive character or sense of place for a development.
13. The TSP whilst not part of the development plan is also a material consideration. The proposal would conflict with the TSP which seeks, amongst other things, to minimise the visual impact of telecommunications developments. Similarly, the proposal would also conflict with paragraph 115 of the Framework which states that where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Alternative sites

14. The Framework recognises that infrastructure for high quality and reliable communications is essential for economic growth and social wellbeing. Paragraph 117 of the Framework explains that applications for telecommunications development, including prior approval, should be supported with the necessary evidence to justify the proposed development. This should include 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.
15. I note that the appellant contends that there are no other existing sites that would be able to serve the area required. No details of the area that the proposal intends to cover is provided or where there are currently gaps in coverage. I note that five other sites were considered when identifying the appeal site as the preferred option. No location plan was provided with the list of alternative sites and therefore I was not able to view the exact locations of them during my site visit.
16. However, I did walk along Fern Grove from both junctions with Drayton Road and witnessed the open space at the junction with Doon Way along with the Sir Herbert Leon Academy site. Neither Melfort Drive or Serpentine Court were identified on the location plan provided and I did not see them during my site visit. The reasons given for discounting the alternative sites include the presence of trees in excess of 20 metres high, the amount of vegetation that would need to be removed leading to potential ecological effects, the preference for a rooftop structure on a school building, long distance views, the

intrusiveness of access requirements and that one of the sites is to be redeveloped and is therefore incapable of supporting the proposal.

17. I note that a previous prior approval application was refused for rooftop telecommunications installations at the Sir Herbert Leon Academy in 2021. However, I have limited information before me to see what this proposal involved and where within the site it was located.
18. Given the lack of identification of the location of the alternative sites and that the justification for discounting them is vague I am not persuaded that the site selection process was sufficiently robust and that a less harmful location could not be found. Accordingly, whilst the need for the development weighs in favour of the proposal, in this case, the need does not outweigh the harm identified to the character and appearance of the area.

Other Matters

19. Support for the delivery of advanced, high quality and reliable communication networks is afforded by the Framework and by other documents provided by the appellant and the proposal would support the upgrade to 5G services in the local area and the Emergency Services Network. The proposal is also to enable mast sharing. However, such equipment should be sympathetically designed and located. Reference has been made to various social and economic benefits, but I have not taken these into account in considering the matters of siting and appearance.

Conclusion

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

G Dring

INSPECTOR