



Appeal Decision

Site visit made on 24 July 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/Y0435/W/22/3301276

Third Avenue, Denbigh North, Bletchley & Fenny Stratford, Milton Keynes MK1 1DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Milton Keynes Council.
 - The application Ref 22/00836/PANTEL, dated 29 March 2022, was refused by notice dated 26 May 2022.
 - The development proposed is for telecommunications installation: Proposed 15m Phase 9 super slimline Monopole and associated ancillary works.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the Proposed 15m Phase 9 super slimline Monopole and associated ancillary works at Third Avenue, Denbigh North, Bletchley & Fenny Stratford MK1 1DF in accordance with the terms of the application ref 22/00836/PANTEL, dated 29 March 2022, and the plans submitted with it including: MIK18320_M002 Rev B 002 Site Location plan, 210 Proposed Site Plan and 260 Proposed Site Elevation.

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.

Planning policy

3. The principle of development is established by the GPDO. Provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance. As such, I have considered policies CT2 and CT3 of the Plan:Milton Keynes [2016-2031] and the Framework. These seek, among other matters, for development proposals to provide safe, suitable, and convenient access for all potential users, including for walking and cycling.

Main Issue

4. The Council is content that the 'appearance' of the proposed mast would be acceptable. Accordingly, the main issue is the effect of the 'siting' of the proposed mast, with particular regard to highway safety and users of the footway.

Reasons

5. The Framework places importance on decisions that support the expansion of electronic communication networks. It states that new masts should be sympathetically designed. Such equipment should be consistent with the needs of consumers, the efficient operation of the network and provide reasonable capacity for future expansion.
6. Third Avenue is a cul-de-sac within an industrial area. The appeal site is part of a section of footway around three metres wide. It is in front of a commercial premises that has planting along its front boundary. The proposed mast and equipment would reduce the width of footway to around two metres. Nonetheless, the retained footway width would be relatively generous.
7. During my visit I noted that pedestrian movements in the area were extremely limited. Although only offering a snap-shot in time my observations on site reflect the level of pedestrian activity that seems common within commercial areas where most movements typically take place by motor vehicle. Although, I would expect greater levels of pedestrian activity to occur at peak travel times and around lunchtime, this would still be likely to result in relatively light footfall numbers.
8. Furthermore, the appeal site is close to the terminus of Third Avenue where pedestrian movements would be expected to be much lighter than those closer to Denbigh Road. Also, the retained footway would be of sufficient width for pedestrians to pass without having to enter the carriageway. As such, the proposed mast would not materially impede the free flow of pedestrians, wheelchair users or others. As such the proposed siting of the mast would be acceptable.

Conditions and conclusion

9. Any planning permission granted for a mast under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify that the development must be carried out in accordance with the details submitted with the application (unless otherwise agreed in writing by the Local Planning Authority), must begin not later than the expiration of five years beginning with the date on which the local planning authority received the application and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its former condition.
10. I therefore conclude that the appeal should be allowed, and prior approval granted.

Ben Plenty

INSPECTOR