



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: 9 August 2023

Appeal Ref: APP/Y0435/W/23/3315457

Bletcham Way, Denbigh North, Bletchley and Fenny Stratford, Bletchley, Milton Keynes MK1 1DT

- 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 Milton Keynes Council.
 - The application Ref 22/02250/PRIOR, dated 1 September 2022, was refused by notice dated 1 November 2022.
 - The development proposed is 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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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), 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 do not require regard to be had to the development plan. I therefore have had regard to the policies of the development plan, any related guidance 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.

Main Issues

4. The main issues are the effect of the siting and appearance 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 proposed monopole and associated cabinets would be located within an open grass verge between a 'redway' which constitutes a footpath and cycleway and Bletcham Way, a dual carriage way road. The appeal site and area around it appears open in character and provides an attractive visual break in the area. I noted that the view along the redway is currently undisturbed. The appeal site is in close proximity to a road junction that provides access into large car parking areas that serve two large retail units. Opposite the appeal site is a large commercial area which is largely screened from Bletcham Way by a row of mature trees that run along the southern side of the road.
6. The existing retail units are modern in character and appearance. The flat roof design and the set back from the road with intervening car parking and landscaping mean that they do not appear overly dominant in the view from Bletcham Way. Streetlights, signage, traffic signals and a pole mounted CCTV camera run alongside and within the central reservation area of the road. This equipment along with the mature trees located on the opposite side of the road provide structures and features with a vertical emphasis.
7. The proposed cabinets due to the scale and the ability to condition the colour finish would not be overly dominant or intrusive. I accept that the proposed monopole would be located within a commercial area alongside a busy road corridor where other functional structures are visible. Nonetheless, at 15m it would be a significant structure that would be situated within a particularly open location. It would be overly dominant in views along the redway, a valued pedestrian and cycle route. Due to the proposed siting adjacent to the junction it would also be highly visible in the streetscene for those travelling along Bletcham Way. It would exceed the height of the streetlights that it would be seen in direct context with and would be bulkier in appearance.
8. Therefore, taking these considerations together, I find that due to its height, form and position within the open verge area, the siting and appearance of the proposed monopole would cause harm to the character and appearance of the area.
9. In so far as they are relevant to the appeal as material considerations there would be conflict with Policies D1 and D2 of the Plan:MK 2016-2031 Adopted March 2019 which require that developments respond appropriately to the site and surrounding context. The Milton Keynes Council Telecommunications Systems Policy Adopted May 2005 (TSP) 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. There would also be conflict with the Framework, which at paragraph 115 states that equipment should be sympathetically designed and camouflaged where appropriate.

Alternative sites

10. Paragraph 117 of the Framework advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this

includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

11. I note the appellant has provided information including the search area guided by operational requirements to fill gaps in network coverage, other technical and locational requirements and a list of alternative sites considered including the location of them. The appellant has confirmed that there are no suitable buildings within the area that would support a rooftop installation nor is there a structurally suitable mast that could support mast sharing.
12. The reasons given for discounting alternative options D1, D2 and D3 which are located behind the belt of trees running alongside Bletcham Way, opposite the appeal site, relate to the impact on pedestrian flow and underground services. Given these alternative locations would be located within or directly adjacent to the footpath alongside Denbigh Road it is likely that there would be an impact on pedestrian routes. Option D4 was discounted due to the fact it would block CCTV views along with build related issues that are not explained further. Options D5 and D6 were discounted because there were other options available that were closer to the central part of the coverage area.
13. From my observations on site, some of these locations may have resulted in less visual impact, but those alternative sites may be constrained in some way that means that none are demonstrably more suitable than the chosen site.
14. However, the Council have raised another location, opposite the appeal site between the row of mature trees and Bletcham Way and have queried why this was not included as a potential option, given it is less open and would have an existing degree of screening that would lessen the overall visual impact of the proposal. There is no discussion as to why this site was not considered or discounted from the list of alternative options. I am therefore not persuaded that the site selection process was sufficiently robust and that a less harmful location could not be found.

Other Matters

15. 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 continued coverage and upgrade to 5G. However, such equipment should be sympathetically designed and located. 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.
16. Whilst I note that no statutory consultees or interested parties objected to the proposal, this is a neutral factor and does not weigh for or against the proposal.

Conclusion

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

G Dring
INSPECTOR