



Appeal Decisions

Site visits made on 20 June 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2023

Appeal A Ref: APP/P2114/W/22/3300189

Sector 1, Thorness Bay Holiday Park, Thorness Lane, Thorness PO31 8NJ

- 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 Parkdean Resorts Limited against the decision of Isle of Wight Council.
 - The application Ref 21/02184/16APA, dated 27 October 2021, was refused by notice dated 17 December 2021.
 - The development proposed is a 8 metre galvanised pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V5000.
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Appeal B Ref: APP/P2114/W/22/3300190

Sector 3, Thorness Bay Holiday Park, Thorness Lane, Thorness PO31 8NJ

- 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 Park Resorts Limited against the decision of Isle of Wight Council.
 - The application Ref 21/02185/16APA, dated 27 October 2021, was refused by notice dated 17 December 2021.
 - The development proposed is a 6 metre galvanised pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V1000.
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Appeal C Ref: APP/P2114/W/22/3300191

Sector 4, Thorness Bay Holiday Park, Thorness Lane, Thorness PO31 8NJ

- 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 Parkdean Holiday Parks Limited against the decision of Isle of Wight Council.
 - The application Ref 21/02173/16APA, dated 27 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is described on the application form as, "6 metre galvanised pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V1000".
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Appeal D Ref: APP/P2114/W/22/3300194

Sector 5, Thorness Bay Holiday Park, Thorness Lane, Thorness PO31 8NJ

- 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 Parkdean Resorts Limited against the decision of Isle of Wight Council.

- The application Ref 21/02174/16APA, dated 27 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is a 6 metre galvanised pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V1000.
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Appeal E Ref: APP/P2114/W/22/3300195

Sector 10 & 11, Thorness Bay Holiday Park, Thorness Lane, Thorness PO31 8NJ

- 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 Park Resorts Limited against the decision of Isle of Wight Council.
 - The application Ref 21/02175/16APA, dated 27 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is a 6 metre galvanised pole to include 2no. Micropop Sector, 1no. External Ap and 1no. V5000.
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Appeal F Ref: APP/P2114/W/22/3300196

Sector 17, Thorness Bay Holiday Park, Thorness Lane, Thorness PO31 8NJ

- 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 Park Resorts Limited against the decision of Isle of Wight Council.
 - The application Ref 21/02176/16APA, dated 27 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is described on the application form as, "6 metre galvanised pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V1000".
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Appeal G Ref: APP/P2114/W/22/3300198

Sector 18, Thorness Bay Holiday Park, Thorness Lane, Thorness PO31 8NJ

- 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 Parkdean Resorts Limited against the decision of Isle of Wight Council.
 - The application Ref 21/02186/16APA, dated 27 October 2021, was refused by notice dated 17 December 2021.
 - The development proposed is a 8 metre galvanised pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V1000.
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Appeal H Ref: APP/P2114/W/22/3300199

Sector 19, Thorness Bay Holiday Park, Thorness Lane, Thorness PO31 8NJ

- 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 Parkdean Resorts Limited against the decision of Isle of Wight Council.
 - The application Ref 21/02187/16APA, dated 27 October 2021, was refused by notice dated 17 December 2021.
 - The development proposed is described on the application form as, "10 metre telegraph pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V5000".
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Decisions

Appeal A

1. The appeal is allowed and 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 (as amended) for the siting and appearance of a 8 metre galvanised pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V5000 at land at Sector 1, Thorness Bay Holiday Park, Thorness Lane, Thorness, PO31 8NJ in accordance with the terms of the application Ref 21/02184/16APA, dated 27 October 2021, and the plans and documents submitted with it including Site Location Plan (drawing no. 4613-100), Part Site Block Plan (drawing no. 4613-110), Proposed Mast Elevation AP01 8m Galvanised Pole (drawing no. 4613-125), PMP 450 MicroPoP Fixed Wireless Access Point Data Sheet, T310 Series: Outdoor 802.11ac 2x2:2 Wi-Fi Access Point Data Sheet.

Appeal B

2. The appeal is allowed and 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 (as amended) for the siting and appearance of a 6 metre galvanised pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V1000 at land at Sector 3, Thorness Bay Holiday Park, Thorness Lane, Thorness, PO31 8NJ in accordance with the terms of the application Ref 21/02185/16APA, dated 27 October 2021, and the plans and documents submitted with it including Site Location Plan (drawing no. 4613-100), Part Site Block Plan (drawing no. 4613-110), Proposed Mast Elevation AP03 6m Galvanised Pole (drawing no. 4613-126), PMP 450 MicroPoP Fixed Wireless Access Point Data Sheet, T310 Series: Outdoor 802.11ac 2x2:2 Wi-Fi Access Point Data Sheet.

Appeal C

3. The appeal is allowed and 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 (as amended) for the siting and appearance of a 6 metre galvanised pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V5000 at land at Sector 4, Thorness Bay Holiday Park, Thorness Lane, Thorness, PO31 8NJ in accordance with the terms of the application Ref 21/02173/16APA, dated 27 October 2021, and the plans and documents submitted with it including Site Location Plan (drawing no. 4613-100), Part Site Block Plan (drawing no. 4613-111), Proposed Mast Elevation AP04 6m Galvanised Pole (drawing no. 4613-127), PMP 450 MicroPoP Fixed Wireless Access Point Data Sheet, T310 Series: Outdoor 802.11ac 2x2:2 Wi-Fi Access Point Data Sheet.

Appeal D

4. The appeal is allowed and 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 (as amended) for the siting and appearance of a 6 metre galvanised pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V1000 at land at Sector 5, Thorness Bay

Holiday Park, Thorness Lane, Thorness, PO31 8NJ in accordance with the terms of the application Ref 21/02174/16APA, dated 27 October 2021, and the plans and documents submitted with it including Site Location Plan (drawing no. 4613-100), Part Site Block Plan (drawing no. 4613-111), Proposed Mast Elevation AP05 6m Galvanised Pole (drawing no. 4613-128), PMP 450 MicroPoP Fixed Wireless Access Point Data Sheet, T310 Series: Outdoor 802.11ac 2x2:2 Wi-Fi Access Point Data Sheet.

Appeal E

5. The appeal is allowed and 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 (as amended) for the siting and appearance of a 6 metre galvanised pole to include 2no. Micropop Sector, 1no. External Ap and 1no. V5000 at land at Sector 10 & 11, Thorness Bay Holiday Park, Thorness Lane, Thorness, PO31 8NJ in accordance with the terms of the application Ref 21/02175/16APA, dated 27 October 2021, and the plans and documents submitted with it including Site Location Plan (drawing no. 4613-100), Part Site Block Plan (drawing no. 4613-111), Proposed Mast Elevation AP12 6m Galvanised Pole (drawing no. 4613-129), PMP 450 MicroPoP Fixed Wireless Access Point Data Sheet, T310 Series: Outdoor 802.11ac 2x2:2 Wi-Fi Access Point Data Sheet.

Appeal F

6. The appeal is allowed and 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 (as amended) for the siting and appearance of a 10 metre telegraph pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V5000 at land at Sector 17, Thorness Bay Holiday Park, Thorness Lane, Thorness, PO31 8NJ in accordance with the terms of the application Ref 21/02176/16APA, dated 27 October 2021, and the plans and documents submitted with it including Site Location Plan (drawing no. 4613-100), Part Site Block Plan (drawing no. 4613-112), Proposed Mast Elevation AP15 10m Telegraph Pole (drawing no. 4613-130), PMP 450 MicroPoP Fixed Wireless Access Point Data Sheet, T310 Series: Outdoor 802.11ac 2x2:2 Wi-Fi Access Point Data Sheet.

Appeal G

7. The appeal is allowed and 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 (as amended) for the siting and appearance of a 8 metre galvanised pole to include 1no. Micropop Sector, 1no. External Ap and 1no. V1000 at land at Sector 18, Thorness Bay Holiday Park, Thorness Lane, Thorness, PO31 8NJ in accordance with the terms of the application Ref 21/02186/16APA, dated 27 October 2021, and the plans and documents submitted with it including Site Location Plan (drawing no. 4613-100), Part Site Block Plan (drawing no. 4613-112), Proposed Mast Elevation AP16 8m Galvanised Pole (drawing no. 4613-131), PMP 450 MicroPoP Fixed Wireless Access Point Data Sheet, T310 Series: Outdoor 802.11ac 2x2:2 Wi-Fi Access Point Data Sheet.

Appeal H

8. The appeal is allowed and 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 (as amended) for the siting and appearance of a 10 metre telegraph pole to include 1no. PMP 450m Access Point, 1no. External Ap and 1no. V5000 at land at Sector 19, Thorness Bay Holiday Park, Thorness Lane, Thorness, PO31 8NJ in accordance with the terms of the application Ref 21/02187/16APA, dated 27 October 2021, and the plans and documents submitted with it including Site Location Plan (drawing no. 4613-100), Part Site Block Plan (drawing no. 4613-110), Part Site Block Plan (drawing no. 4613-111), Proposed Mast Elevation AP13 10m Telegraph Pole (drawing no. 4613-132), PMP 450m Access Point Specification Sheet, T310 Series: Outdoor 802.11ac 2x2:2 Wi-Fi Access Point Data Sheet.

Preliminary Matters

Council's determinations: 2-stage process

9. The appellant has referred to the 2-stage process required by Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), where the refusal of prior approval should follow notification by the Local Planning Authority that prior approval is required, as highlighted by the quote provided from appeal decision Ref B6855/C/08/2088145. The appellant submits that the decision notices issued do not achieve a determination as to whether prior approval is required. In this regard, I have taken account of the case law referred to¹.
10. I accept that it would have been best practice for the Council to state that prior approval is or is not required, as occurred in the numerous examples provided by the appellant of written determinations issued by various other Local Planning Authorities. I also accept that the precise meaning of the phrase 'the proposal cannot be determined through the Prior Notification procedure' contained within the decision notices for these appeals is unclear, due to the fact that paragraph A.3(8) of Class A of Part 16 of Schedule 2 of the GPDO refers to prior approval rather than prior notification.
11. Nevertheless, decision notices should not be subject to overly-forensic analysis but rather should be read in a reasonable manner. Reading the Council's decision notices as a whole I consider that they can reasonably be read as constituting a refusal of prior approval. As a refusal of prior approval could only occur if prior approval was required, I consider that it is implicit in the decision notices that the Council considered that prior approval was required.
12. In coming to this conclusion, I note that at paragraphs 34 and 35 of appeal decision Ref APP/G5180/C/12/2182538, the Inspector, whilst considering a previous version of the GPDO, considered that the first stage of the 2-stage process could be met by implication.

¹ Including *Mawbey v Lewisham LBC* (2019); *English Clays Lovering Pochin & Co Ltd v Plymouth Corporation* [1973] 1 WLR 1346; *Tandridge DC v Telecom Securicor Cellular Radio Ltd* [1996] 3 PLR 21; *Wilson v West Sussex CC* (1963); *R v SoS ex parte Slough BC* (1995).

13. I therefore consider that the Council's decision notices do not result in conflict with the requirements of paragraph A.3(8) of Class A of Part 16 of Schedule 2 of the GPDO. Moreover, the reasons for refusal given in the Council's decision notices refer to the planning merits of the proposals, meaning that there is no indication that the Council were raising concerns with respect to whether the proposals fell outside of the scope of the GPDO.

Siting and appearance: Trees

14. The appellant has advanced a number of arguments to support the proposition that 'siting and appearance' as referred to in paragraph A.3(4) of Class A of Part 16 of Schedule 2 of the GPDO does not encompass the effect of a proposal on trees.
15. A number of these arguments relate to the statutory interpretation of the GPDO, including that the consideration of trees fails to go to the heart of the matter and goes beyond the limitations of factors reasonably falling within the meaning of siting and appearance, that the question of whether the proposal is acceptable with regard to trees is not explicitly listed within paragraph A.3(4), that if there was any requirement to consider the development on the basis of its impact on trees then the GPDO would say so, that it is clear that this consideration is excluded on the basis of its absence from the wording within the GPDO, and that the inclusion of a consideration of the impact on protected trees is an overly-broad application of the direction of the GPDO and does not bare any resemblance to the considerations that a decision-maker are asked by the GPDO to consider.
16. In these respects, *Tandridge*² has been referred to, which held that common sense could not be used to introduce wording into the GPDO. This is accepted, but the words 'siting and appearance' are present within paragraph A.3(4). It is the meaning of these words which is in dispute.
17. The word 'appearance' within paragraph A.3(4) involves considerations of a visual nature. 'Siting', also found within paragraph A.3(4), being a different word to 'appearance', naturally has its own connotations which are different to 'appearance'. Indeed, the Council have referred to a number of appeal decisions³ which demonstrate that the meaning of 'siting and appearance' has been taken by Inspectors to encompass a wide range of matters, including pedestrian safety, the setting of nearby designated heritage assets, the setting of nearby listed buildings, the site's archaeological interest, and the living conditions of the occupiers of neighbouring properties.
18. It is clear then, that consideration of the visual impact of a proposal is not the sole consideration under paragraph A.3(4). These appeal decisions also demonstrate that whilst Part 16 of the GPDO does not explicitly refer to matters such as pedestrian safety or the setting of nearby designated heritage assets, they nevertheless have been accepted as falling within the ambit of 'siting and appearance'.

² *Tandridge DC v Telecom Securicor Cellular Radio Ltd* [1996] 3 PLR 21

³ APP/Y5420/W/20/3253283, APP/Y0435/W/21/3287750, APP/M4510/W/17/3188840, APP/U4230/W/22/3295100, APP/K1935/W/21/3281055, APP/M4320/W/21/3267905

19. I see no reason, in principle, why the impact of a proposed development on trees is any different to the impact of a proposed development on the setting of nearby listed buildings or on a site's archaeological interest. All these matters relate to the physical location, i.e. the siting, of a proposal in relation to its external environment.
20. Reference has been made to the scope of considerations listed within the GPDO for other classes which are subject to a prior approval procedure, but the absence of the reference to trees within those parts of the GPDO does not in any way indicate that this consideration could not be considered within the ambit of 'siting and appearance' within Part 16. I note that the Council have not referred to contamination risks, but that is likely to be because the issue has not been thought to arise in these appeals.
21. Part 16 does not contain an equivalent provision to paragraph W(9) of Part 3 of Schedule 2 of the GPDO. Nevertheless, it is clear from the appeal decisions cited by the Council that a decision-maker can take into account evidence submitted which relates to the considerations found to fall within the ambit of 'siting and appearance'.
22. The National Planning Policy Framework (the Framework) does not say that the requirements listed at paragraph 117 a) to c) form a closed list, but rather the word 'include' is used, which indicates that this list is non-exhaustive. Paragraph 118 of the Framework provides that, amongst other things, local planning authorities must determine applications on planning grounds only. This paragraph does not state that the effect of a proposal on trees is not a 'planning ground'. Rather, paragraph 8 c) of the Framework refers to protecting the natural environment, meaning that these matters fall within the remit of planning grounds.
23. Section 198(3)(a) of the Town and Country Planning Act 1990 (as amended) refers to tree preservation orders (TPOs) having the capability to prohibit conduct including cutting down, topping, lopping, uprooting, and wilful damage or wilful destruction of trees. However, s198 merely refers to the powers contained within TPOs, and it does not follow that the impact of a proposal on trees (protected or otherwise) is excluded from consideration under paragraph A.3(4).
24. I have had regard to the Stroud District Council Guidance Note on Telecommunications Development. This Note states that no other matters can be considered apart from the 'siting' and 'appearance' of the proposal. This is not a matter which is in dispute between the main parties in these appeals. The Note goes on to list several factors which 'siting' may involve. The Note does not state that this list is exhaustive. It therefore provides limited support for the appellant's propositions with respect to the considerations which could reasonably fall within the scope of 'siting and appearance'.
25. I note that there is no requirement within Policy DM21 of the Core Strategy⁴ to consider the impact of utility infrastructure on trees, but this policy does not purport to provide an interpretation of the wording within the GPDO. It does not change my findings as a result.

⁴ Island Plan: Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document (adopted 2012)

26. Therefore, whilst there may be a limit as to which considerations could reasonably be considered under the ambit of 'siting and appearance' it has not been demonstrated that the impact on trees cannot be considered within paragraph A.3(4). I have considered the appeals on this basis.

Siting and appearance: Ecological features

27. Article 3(1) of the GPDO grants planning permission for the classes of development described as permitted development in Schedule 2 of the GPDO subject to Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations). This is, in effect, the consenting process for proposals potentially affecting European protected habitats. However, no such process exists within the GPDO for European protected species or protected habitats and species in England.
28. Instead, with respect to European protected species, Regulation 9(1) of the Habitats Regulations provides that, amongst other things, a competent authority must exercise their functions which are relevant to nature conservation, so as to secure compliance with the requirements of the Directives. Similarly, in relation to protected habitats and species in England, s40(1) of the Natural Environment and Rural Communities Act 2006 (as amended) provides that, amongst other things, a public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.
29. Considering this, and as matters of ecology are not specifically excluded from the definition of 'siting and appearance', I consider that matters relating to European protected species, and protected habitats and species in England, can be considered under paragraph A.3(4). I have considered the appeals on this basis.
30. My findings given above as to the relevance of Policy DM21 of the Core Strategy in relation to trees applies equally with respect to the consideration of ecological features. That policy does not change my findings as a result.

Siting and appearance: Living conditions

31. Although the appellant has argued that if the scope of the GPDO was to ask the decision-maker to consider the impact of a proposal on amenity then the GPDO would explicitly say so (such as with Class AA of Part 1 of Schedule 2 of the GPDO), there is nothing in the GPDO which limits the scope of 'siting' in this way. Rather, the effect of a proposed installation on outlook may occur as a direct result of its siting in a particular location. Indeed, I note that the Inspector in appeal decision Ref APP/M4320/W/21/3267905 considered living conditions under the banner of 'siting and appearance'. For these reasons, I have considered the matter of living conditions for these appeals, where relevant.

Development Plan & Framework

32. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the policies of

the development plan and the Framework only in so far as they are material considerations relevant to matters of siting and appearance.

Locations of proposed developments

33. I confirmed on site that the locations of the proposed poles as shown on some of the photographs supplied in the appellant's representations are not exactly the same as the proposed locations as shown on the submitted appeal plans. Considering this, for the avoidance of doubt, I have assessed the proposals on the basis of the submitted appeal plans only.

Descriptions of developments: appeals C, F, H

34. Regarding appeals C and F, differing to the descriptions of developments in the banner header above which are taken from the relevant application forms, the plans for these appeals refers to Cambium V5000. The reference to 'V1000' in these application forms therefore appears to be a minor typographical error. Similarly, regarding appeal H, the reference to '1no. Micropop Sector' in the application form appears to be a minor typographical error, given that the plans show and provide specifications for a PMP 450m Access Point.
35. With respect to appeal F, differing to the description of development in the banner header above, the plans refer to a 10 metres tall telegraph pole. The Council refused the application on this basis.
36. Considering the above, and as the plans are clear regarding the nature of the proposals, I am satisfied that the parties' interests, including those of interested parties, would not be prejudiced by appeals C, F, and H, being considered on the basis of the submitted plans. Accordingly, my decisions with respect to appeals C, F, and H, reflect what is shown on the plans.

Main Issues

37. The main issues are the effect of the siting and appearance of the proposed installations on:
- the character and appearance of the surrounding area, including the Isle of Wight Area of Outstanding Natural Beauty (AONB) and the Hamstead Heritage Coast (Heritage Coast) (all Appeals);
 - trees (Appeals A, B, C, D, E, and H only);
 - protected species and habitats (Appeals A, B, C, D, E, and H only);
 - the living conditions of the users of the nearby units of holiday accommodation (Appeals A, B, C, D, F, G, and H only); 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

Appeal A: Sector 1, Thorness Bay Holiday Park

Character and appearance

38. Thorness Bay Holiday Park (Holiday Park) is located on the northern coast of the Isle of Wight, within a rural area. The whole of the Holiday Park is situated both within the AONB and the Heritage Coast. The Isle of Wight Area of Outstanding Natural Beauty Management Plan 2019 – 2024 (Management Plan) mentions that the significance of the AONB includes, amongst other qualities, its majestic sea cliffs and sweeping beaches and the quiet solitude of ancient woodland, and that the Heritage Coast areas within the AONB are arguably those areas most readily associated with the scenic beauty of the Isle of Wight.
39. The main body of the Holiday Park is located between Thorness Lane and the coastline, and primarily consists of holiday lodges in rows along access roads. The site as a whole is verdant, with trees being commonplace throughout the Holiday Park.
40. The proposal, for an 8 metre galvanised pole incorporating wireless network technology, according to the submitted plans would be situated in front of a thick bank of trees and slightly apart from the gravel path in front of the last unit of holiday accommodation which itself sits within a short row of other units. At the time of my site visit the wider area of green space around these units also consisted of motorhomes and tents. As the proposed pole would be set-back significantly from the access road with trees behind it, it would not occupy a particularly prominent position from nearby views, including from within the area of green space within which it would sit.
41. It would be seen from many nearby viewpoints in combination with the units of holiday accommodation near it and the numerous existing telegraph poles and lampposts which line the access drive which adjoins the field and which also share a vertical emphasis with the proposed pole. As such, although it would be a tall structure, it would not appear out-of-place in its immediate context. The trees behind it would also serve to somewhat soften its visual impact.
42. Furthermore, considering that the Holiday Park as a whole also contains a considerable number of other slimline structures with a vertical emphasis, such as tall lampposts, and is characterised by the presence of a large number of holiday lodges which contribute to the substantial amount of built form within the Holiday Park, the proposed pole would not undermine the character of the surrounding area.
43. The Holiday Park comprises a large extent of urbanising development amongst the wider landscape of the AONB and this is consistent with the Holiday Park's location within a Landscape Improvement Zone (LCT7), as defined in the Management Plan. Given the built-up nature of the wider Holiday Park, the presence of an additional slimline pole in its proposed location would have a negligible effect on the Management Aim for LCT7 as set out in the Management Plan, which is, amongst other things, to prevent the expansion of urban influence.

44. Hence, the proposal would have a neutral effect on the wider landscape, and in this respect the landscape and scenic beauty of the AONB would be conserved, as would the natural beauty of the Heritage Coast. The proposal would not conflict with the provisions of the Management Plan in these respects.
45. I therefore find that the siting and appearance of the proposed installation would have an acceptable effect on the character and appearance of the surrounding area, including the AONB and the Heritage Coast. Whilst not determinative, I have had regard to the Framework. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with paragraph 176 of the Framework which provides that, amongst other things, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
46. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with Policies SP5, DM2, and DM12 of the Core Strategy which collectively provide that, amongst other things, the Council will support proposals that conserve, enhance and promote the landscape, seascape, biodiversity and geological interest of the Island.

Trees

47. The Holiday Park contains a large number of trees. According to the submitted appeal plans, the proposed pole would be situated in front of a thick bank of trees and slightly apart from the gravel path in front of the last unit of holiday accommodation which itself sits within a short row of other units. These trees, which are in close proximity to the proposed location for the pole, are not protected by a Tree Preservation Order. Nevertheless, they positively contribute to the wooded character of the Holiday Park and are in-keeping with its wider rural location.
48. Although large trenches would not be excavated across the park, according to the submitted Proposed Mast Elevation drawing⁵ a part of the proposed structure would protrude below ground by a not-insignificant amount. In these circumstances, it is for the appellant to provide evidence demonstrating that the trees would not be harmed as a result of the proposed pole being sited in close proximity to the trees.
49. Despite this, no Arboricultural Impact Assessment or other technical information has been submitted to demonstrate the extent of the Root Protection Areas (RPAs) of the nearby trees, nor what the extent of the construction works would be, either around or within, the RPAs of the nearby trees. Limited information has been provided to explain what measures would be taken to protect these trees during the construction phase of the proposed development, or from any additional works such as power connection works to the proposed pole.
50. The fact that the proposed pole would not be sited within the spread of the crown or canopy of any tree does not guarantee that the RPAs would not be affected by the proposed development, as the extent of the relevant RPAs has

⁵ 4613-125

not been specified. The assertion that the relevant land is not conducive for tree growth has not been substantiated.

51. Given this lack of information, it has not been demonstrated that construction works would not impinge on the RPAs of these trees, thereby potentially negatively impacting on the health of these trees, which contribute to the character of the area.
52. The proposed pole would be located within a specific sector within the Holiday Park, and would primarily provide Wi-Fi for the units of holiday accommodation within that sector. On this basis, I consider it unlikely that the proposed pole would result in pressure to prune or fell the trees to its rear, as these particular trees would not hinder the dissemination of the Wi-Fi signal in that sector. This does not, however, alleviate the concerns mentioned above with respect to the potential for the proposed pole to have a direct impact on those trees by virtue of its proposed siting.
53. The appellant has suggested that a Tree Protection Plan or Arboricultural Report could be secured for submission under a planning condition. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions found within Class A of Part 16. On this basis, it would not be reasonable to impose conditions relating to this matter.
54. I therefore find that I have insufficient information to demonstrate that the proposed development would not have an adverse effect upon trees. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural and historic environments, and with part 2. of Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to optimise the potential of the site but have regard to existing constraints, such as trees, which significantly contribute to the character of the area.
55. Policy DM12 of the Core Strategy relates to the landscape, seascape, biodiversity, and geodiversity. Given that the potential adverse effects of the proposal would be localised, the wider landscape would only be indirectly impacted. As such, this policy is not directly relevant to this main issue. This is not however a matter which alters my findings above.

Protected species and habitats

56. The proposal for this particular pole would not be situated within a Site of Importance for Nature Conservation (SINC), or an area of ancient woodland.
57. I have found on the second main issue above that I have insufficient information to demonstrate that the proposed development would not have an adverse effect upon trees. Whilst on the basis of the evidence before me it is not possible to be definitive as to whether these trees provide roosting areas for bats or other protected species, the potential harm identified relates to the trees alone. Any consequential effects on protected species would be indirect. Moreover, no credible evidence has been provided to demonstrate that such

indirect effects, or effects resulting from the construction of the proposed pole, would likely result in any harm to any protected species in the foreseeable future, including bat roosting habitat, dormouse habitat, red squirrels, and breeding birds.

58. Considering these indirect effects, and the minimal width and depth of the proposed pole with no trenching being undertaken on site which limits the number of trees which could potentially be impacted by the proposed development, and that the land in question comprises mown grass used by holidaymakers, on a balance of probabilities and as a matter of fact and degree I consider that the proposed development would have an acceptable effect on protected species and habitats.
59. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural environments. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with part 1. of Policy DM12 of the Core Strategy which provides that, amongst other things, development proposals will be expected to protect the integrity of international, national and local designations relating to biodiversity.
60. Policy DM2 of the Core Strategy relates to the design quality for new development, with part 2. of that policy referring to trees in the context of the character of the area, which is not directly relevant to this main issue. This is not however a matter which alters my findings above.

Living conditions

61. According to the submitted appeal plans, the proposed pole would be situated in front of a thick bank of trees and slightly apart from the gravel path in front of the last unit of holiday accommodation which itself sits within a short row of other units.
62. As the proposed pole would be physically off-set from the front of the last unit of holiday accommodation, including its front entrance and decking area, and taking account of the slimline nature of the proposed pole, I consider that it would not meaningfully impact on the outlook from that unit of holiday accommodation. Additionally, considering its limited footprint and siting within a wide area of green space, it would not unduly compromise the quality or utility of that outdoor amenity space.
63. I therefore find that the proposed development would have an acceptable effect on the living conditions of the users of the nearby units of holiday accommodation. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to provide a functional built environment.

Appeal B: Sector 3, Thorness Bay Holiday Park

Character and appearance

64. According to the submitted appeal plans, the proposed pole would be situated in-between 2 units of holiday accommodation, and amongst a wider cluster of accommodation. Considering the presence of these numerous built structures in close proximity to the proposed pole, its slimline nature, and that the Holiday Park as a whole contains a considerable number of other slimline structures with a vertical emphasis, I consider that the proposed pole would not appear out-of-keeping in its context.
65. The Holiday Park comprises a large extent of urbanising development amongst the wider landscape of the AONB and this is consistent with the Holiday Park's location within a Landscape Improvement Zone (LCT7), as defined in the Management Plan. Given the built-up nature of the wider Holiday Park, the presence of an additional slimline pole in its proposed location would have a negligible effect on the Management Aim for LCT7 as set out in the Management Plan, which is, amongst other things, to prevent the expansion of urban influence.
66. Hence, the proposal would have a neutral effect on the wider landscape, and in this respect the landscape and scenic beauty of the AONB would be conserved, as would the natural beauty of the Heritage Coast. The proposal would not conflict with the provisions of the Management Plan in these respects.
67. I therefore find that the siting and appearance of the proposed installation would have an acceptable effect on the character and appearance of the surrounding area, including the AONB and the Heritage Coast. Whilst not determinative, I have had regard to the Framework. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with paragraph 176 of the Framework which provides that, amongst other things, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
68. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with Policies SP5, DM2, and DM12 of the Core Strategy which collectively provide that, amongst other things, the Council will support proposals that conserve, enhance and promote the landscape, seascape, biodiversity and geological interest of the Island.

Trees

69. The appeal site is in a location covered by a Tree Preservation Order⁶, with a number of trees situated to the rear of the units of holiday accommodation, close to the site. These trees positively contribute to the wooded character of the Holiday Park and are in-keeping with its wider rural location.
70. Although large trenches would not be excavated across the park, according to the submitted Proposed Mast Elevation drawing⁷ a part of the proposed

⁶ TPO/1950/04

⁷ 4613-126

structure would protrude below ground by a not-insignificant amount. In these circumstances, it is for the appellant to provide evidence demonstrating that the trees would not be harmed as a result of the proposed pole being sited in close proximity to the trees.

71. Despite this, no Arboricultural Impact Assessment or other technical information has been submitted to demonstrate the extent of the RPAs of the nearby trees, nor what the extent of the construction works would be, either around or within, the RPAs of the nearby trees. Limited information has been provided to explain what measures would be taken to protect these trees during the construction phase of the proposed development, or from any additional works such as power connection works to the proposed pole.
72. The fact that the proposed pole would not be sited within the spread of the crown or canopy of any tree does not guarantee that the RPAs would not be affected by the proposed development, as the extent of the relevant RPAs has not been specified. Similarly, although a caravan is present between the trees and the location for the proposed pole is it unclear from the evidence provided whether the RPA of any tree extends beneath and beyond that caravan, towards the site. The assertion that the relevant land is not conducive for tree growth has not been substantiated.
73. Given this lack of information, it has not been demonstrated that construction works would not impinge on the RPAs of these trees, thereby potentially negatively impacting on the health of these trees, which contribute to the character of the area.
74. The proposed pole would be located within a specific sector within the Holiday Park, and would primarily provide Wi-Fi for the units of holiday accommodation within that sector. On this basis, I consider it unlikely that the proposed pole would result in pressure to prune or fell the trees to its rear, as these particular trees would not hinder the dissemination of the Wi-Fi signal in that sector. This does not, however, alleviate the concerns mentioned above with respect to the potential for the proposed pole to have a direct impact on those trees by virtue of its proposed siting.
75. The appellant has suggested that a Tree Protection Plan or Arboricultural Report could be secured for submission under a planning condition. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions found within Class A of Part 16. On this basis, it would not be reasonable to impose conditions relating to this matter.
76. I therefore find that I have insufficient information to demonstrate that the proposed development would not have an adverse effect upon trees. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural and historic environments, and with part 2. of Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to optimise the potential of the site but have regard to existing

constraints, such as trees, which significantly contribute to the character of the area.

77. Policy DM12 of the Core Strategy relates to the landscape, seascape, biodiversity, and geodiversity. Given that the potential adverse effects of the proposal would be localised, the wider landscape would only be indirectly impacted. As such, this policy is not directly relevant to this main issue. This is not however a matter which alters my findings above.

Protected species and habitats

78. The proposal for this particular pole would not be situated within a SINC, or an area of ancient woodland.
79. I have found on the second main issue above that I have insufficient information to demonstrate that the proposed development would not have an adverse effect upon trees. Whilst on the basis of the evidence before me it is not possible to be definitive as to whether these trees provide roosting areas for bats or other protected species, the potential harm identified relates to the trees alone. Any consequential effects on protected species would be indirect. Moreover, no credible evidence has been provided to demonstrate that such indirect effects, or effects resulting from the construction of the proposed pole, would likely result in any harm to any protected species in the foreseeable future, including bat roosting habitat, dormouse habitat, red squirrels, and breeding birds.
80. Considering these indirect effects, and the minimal width and depth of the proposed pole with no trenching being undertaken on site which limits the number of trees which could potentially be impacted by the proposed development, and that the land in question comprises mown grass used by holidaymakers, on a balance of probabilities and as a matter of fact and degree I consider that the proposed development would have an acceptable effect on protected species and habitats.
81. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural environments. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with part 1. of Policy DM12 of the Core Strategy which provides that, amongst other things, development proposals will be expected to protect the integrity of international, national and local designations relating to biodiversity.
82. Policy DM2 of the Core Strategy relates to the design quality for new development, with part 2. of that policy referring to trees in the context of the character of the area, which is not directly relevant to this main issue. This is not however a matter which alters my findings above.

Living conditions

83. According to the submitted appeal plans, the proposed pole would be situated in-between 2 units of holiday accommodation, and in front of another. The unit

known as Oaklands No 32 has windows facing towards the site. Whilst the appellant has stated that the proposed pole would be located at least approximately 4.1 metres from the nearest unit of accommodation, and would resemble existing vertical elements within the Holiday Park, the proposed pole would nevertheless be a tall structure situated directly in front of the windows of Oaklands No 32, and still reasonably close to them. As such, although it would be a slimline structure, due to its height and siting, the proposed pole would appear as an overbearing structure in views from those windows.

84. The proposed pole would be sited in the middle of an area of green space, which in all likelihood is used for sitting out by users of the nearby units of holiday accommodation. As it would constitute a tall and obstructive feature in its proposed location, it would unduly compromise the usability of that area for recreation.
85. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the users of the nearby units of holiday accommodation. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to provide a functional built environment.

Appeal C: Sector 4, Thorness Bay Holiday Park

Character and appearance

86. According to the submitted appeal plans, the proposed pole would be situated slightly apart from 2 units of holiday accommodation, and amongst a wider cluster of accommodation. Considering the presence of these numerous built structures in close proximity to the proposed pole, its slimline nature, and that the Holiday Park as a whole contains a considerable number of other slimline structures with a vertical emphasis, I consider that the proposed pole would not appear out-of-keeping in its context.
87. The Holiday Park comprises a large extent of urbanising development amongst the wider landscape of the AONB and this is consistent with the Holiday Park's location within a Landscape Improvement Zone (LCT7), as defined in the Management Plan. Given the built-up nature of the wider Holiday Park, the presence of an additional slimline pole in its proposed location would have a negligible effect on the Management Aim for LCT7 as set out in the Management Plan, which is, amongst other things, to prevent the expansion of urban influence.
88. Hence, the proposal would have a neutral effect on the wider landscape, and in this respect the landscape and scenic beauty of the AONB would be conserved, as would the natural beauty of the Heritage Coast. The proposal would not conflict with the provisions of the Management Plan in these respects.
89. I therefore find that the siting and appearance of the proposed installation would have an acceptable effect on the character and appearance of the surrounding area, including the AONB and the Heritage Coast. Whilst not determinative, I have had regard to the Framework. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would

comply with paragraph 176 of the Framework which provides that, amongst other things, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

90. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with Policies SP5, DM2, and DM12 of the Core Strategy which collectively provide that, amongst other things, the Council will support proposals that conserve, enhance and promote the landscape, seascape, biodiversity and geological interest of the Island.

Trees

91. The appeal site is in a location covered by a Tree Preservation Order⁸, with a number of trees situated around the nearby the units of holiday accommodation, close to the site. These trees positively contribute to the wooded character of the Holiday Park and are in-keeping with its wider rural location.
92. Although large trenches would not be excavated across the park, according to the submitted Proposed Mast Elevation drawing⁹ a part of the proposed structure would protrude below ground by a not-insignificant amount. In these circumstances, it is for the appellant to provide evidence demonstrating that the trees would not be harmed as a result of the proposed pole being sited in close proximity to the trees.
93. Despite this, no Arboricultural Impact Assessment or other technical information has been submitted to demonstrate the extent of the RPAs of the nearby trees, nor what the extent of the construction works would be, either around or within, the RPAs of the nearby trees. Limited information has been provided to explain what measures would be taken to protect these trees during the construction phase of the proposed development, or from any additional works such as power connection works to the proposed pole.
94. The fact that the proposed pole would not be sited within the spread of the crown or canopy of any tree does not guarantee that the RPAs would not be affected by the proposed development, as the extent of the relevant RPAs has not been specified. Similarly, although caravans are present in front of and to the side of nearby trees, is it unclear from the evidence provided whether the RPA of any tree extends around these caravans towards the site. The assertion that the relevant land is not conducive for tree growth has not been substantiated.
95. Given this lack of information, it has not been demonstrated that construction works would not impinge on the RPAs of these trees, thereby potentially negatively impacting on the health of these trees, which contribute to the character of the area.
96. The proposed pole would be located within a specific sector within the Holiday Park, and would primarily provide Wi-Fi for the units of holiday accommodation

⁸ TPO/1950/04

⁹ 4613-127

within that sector. On this basis, I consider it unlikely that the proposed pole would result in pressure to prune or fell the nearby trees, as these particular trees would not hinder the dissemination of the Wi-Fi signal in that sector. This does not, however, alleviate the concerns mentioned above with respect to the potential for the proposed pole to have a direct impact on those trees by virtue of its proposed siting.

97. The appellant has suggested that a Tree Protection Plan or Arboricultural Report could be secured for submission under a planning condition. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions found within Class A of Part 16. On this basis, it would not be reasonable to impose conditions relating to this matter.
98. I therefore find that I have insufficient information to demonstrate that the proposed development would not have an adverse effect upon trees. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural and historic environments, and with part 2. of Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to optimise the potential of the site but have regard to existing constraints, such as trees, which significantly contribute to the character of the area.
99. Policy DM12 of the Core Strategy relates to the landscape, seascape, biodiversity, and geodiversity. Given that the potential adverse effects of the proposal would be localised, the wider landscape would only be indirectly impacted. As such, this policy is not directly relevant to this main issue. This is not however a matter which alters my findings above.

Protected species and habitats

100. The proposal for this particular pole would not be situated within a SINC, or an area of ancient woodland.
101. I have found on the second main issue above that I have insufficient information to demonstrate that the proposed development would not have an adverse effect upon trees. Whilst on the basis of the evidence before me it is not possible to be definitive as to whether these trees provide roosting areas for bats or other protected species, the potential harm identified relates to the trees alone. Any consequential effects on protected species would be indirect. Moreover, no credible evidence has been provided to demonstrate that such indirect effects, or effects resulting from the construction of the proposed pole, would likely result in any harm to any protected species in the foreseeable future, including bat roosting habitat, dormouse habitat, red squirrels, and breeding birds.
102. Considering these indirect effects, and the minimal width and depth of the proposed pole with no trenching being undertaken on site which limits the number of trees which could potentially be impacted by the proposed development, and that the land in question comprises mown grass used by

holidaymakers, on a balance of probabilities and as a matter of fact and degree I consider that the proposed development would have an acceptable effect on protected species and habitats.

103. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural environments. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with part 1. of Policy DM12 of the Core Strategy which provides that, amongst other things, development proposals will be expected to protect the integrity of international, national and local designations relating to biodiversity.
104. Policy DM2 of the Core Strategy relates to the design quality for new development, with part 2. of that policy referring to trees in the context of the character of the area, which is not directly relevant to this main issue. This is not however a matter which alters my findings above.

Living conditions

105. The proposed pole would be sufficiently off-set from the windows of the nearest unit of holiday accommodation in terms of both distance and angle such it would not unduly compromise the outlook from those windows.
106. The proposed pole would be sited amongst an area of green space, which in all likelihood is used for sitting out by users of the nearby units of holiday accommodation. Whilst the appellant has stated that the proposed pole would resemble existing vertical elements within the Holiday Park, as it would constitute a tall and obstructive feature in its proposed location, it would unduly compromise the usability of that area for recreation.
107. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the users of the nearby units of holiday accommodation. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to provide a functional built environment.

Appeal D: Sector 5, Thorness Bay Holiday Park

Character and appearance

108. According to the submitted appeal plans, the proposed pole would be situated slightly in front of a unit of holiday accommodation which is itself part of a wider cluster of accommodation situated around a small grass-covered island. Considering the presence of these numerous built structures in close proximity to the proposed pole, its slimline nature, and that the Holiday Park as a whole contains a considerable number of other slimline structures with a vertical emphasis, I consider that the proposed pole would not appear out-of-keeping in its context.

109. The Holiday Park comprises a large extent of urbanising development amongst the wider landscape of the AONB and this is consistent with the Holiday Park's location within a Landscape Improvement Zone (LCT7), as defined in the Management Plan. Given the built-up nature of the wider Holiday Park, the presence of an additional slimline pole in its proposed location would have a negligible effect on the Management Aim for LCT7 as set out in the Management Plan, which is, amongst other things, to prevent the expansion of urban influence.
110. Hence, the proposal would have a neutral effect on the wider landscape, and in this respect the landscape and scenic beauty of the AONB would be conserved, as would the natural beauty of the Heritage Coast. The proposal would not conflict with the provisions of the Management Plan in these respects.
111. I therefore find that the siting and appearance of the proposed installation would have an acceptable effect on the character and appearance of the surrounding area, including the AONB and the Heritage Coast. Whilst not determinative, I have had regard to the Framework. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with paragraph 176 of the Framework which provides that, amongst other things, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
112. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with Policies SP5, DM2, and DM12 of the Core Strategy which collectively provide that, amongst other things, the Council will support proposals that conserve, enhance and promote the landscape, seascape, biodiversity and geological interest of the Island.

Trees

113. The appeal site is in a location covered by a Tree Preservation Order¹⁰. I observed that a tree is present amongst an area of green space which is located to the side of the access road leading to a unit of holiday accommodation known as Thistle Meadows One, with that tree being situated a short distance in front of Thistle Meadows One. Another tree is present beyond that tree, slightly further back from Thistle Meadows One. These trees positively contribute to the wooded character of the Holiday Park and are in-keeping with its wider rural location.
114. Although large trenches would not be excavated across the park, according to the submitted Proposed Mast Elevation drawing¹¹ a part of the proposed structure would protrude below ground by a not-insignificant amount. In these circumstances, where the proposed pole would be situated slightly in front of Thistle Meadows One, it is for the appellant to provide evidence demonstrating that the trees would not be harmed as a result of the proposed pole being sited in close proximity to the trees.

¹⁰ TPO/1950/04

¹¹ 4613-128

115. Despite this, no Arboricultural Impact Assessment or other technical information has been submitted to demonstrate the extent of the RPAs of the nearby trees, nor what the extent of the construction works would be, either around or within, the RPAs of the nearby trees. Limited information has been provided to explain what measures would be taken to protect these trees during the construction phase of the proposed development, or from any additional works such as power connection works to the proposed pole.
116. The fact that the proposed pole would not be sited within the spread of the crown or canopy of any tree does not guarantee that the RPAs would not be affected by the proposed development, as the extent of the relevant RPAs has not been specified. Similarly, although Thistle Meadows One is present in front of the nearby trees, is it unclear from the evidence provided whether the RPA of any tree extends across the site towards Thistle Meadows One. The assertion that the relevant land is not conducive for tree growth has not been substantiated.
117. Given this lack of information, it has not been demonstrated that construction works would not impinge on the RPAs of these trees, thereby potentially negatively impacting on the health of these trees, which contribute to the character of the area.
118. The proposed pole would be located within a specific sector within the Holiday Park, and would primarily provide Wi-Fi for the units of holiday accommodation within that sector. On this basis, I consider it unlikely that the proposed pole would result in pressure to prune or fell the nearby trees, as these particular trees would not hinder the dissemination of the Wi-Fi signal in that sector. This does not, however, alleviate the concerns mentioned above with respect to the potential for the proposed pole to have a direct impact on those trees by virtue of its proposed siting.
119. The appellant has suggested that a Tree Protection Plan or Arboricultural Report could be secured for submission under a planning condition. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions found within Class A of Part 16. On this basis, it would not be reasonable to impose conditions relating to this matter.
120. I therefore find that I have insufficient information to demonstrate that the proposed development would not have an adverse effect upon trees. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural and historic environments, and with part 2. of Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to optimise the potential of the site but have regard to existing constraints, such as trees, which significantly contribute to the character of the area.
121. Policy DM12 of the Core Strategy relates to the landscape, seascape, biodiversity, and geodiversity. Given that the potential adverse effects of the proposal would be localised, the wider landscape would only be indirectly

impacted. As such, this policy is not directly relevant to this main issue. This is not however a matter which alters my findings above.

Protected species and habitats

122. The proposal for this particular pole would not be situated within a SINC, or an area of ancient woodland.
123. I have found on the second main issue above that I have insufficient information to demonstrate that the proposed development would not have an adverse effect upon trees. Whilst on the basis of the evidence before me it is not possible to be definitive as to whether these trees provide roosting areas for bats or other protected species, the potential harm identified relates to the trees alone. Any consequential effects on protected species would be indirect. Moreover, no credible evidence has been provided to demonstrate that such indirect effects, or effects resulting from the construction of the proposed pole, would likely result in any harm to any protected species in the foreseeable future, including bat roosting habitat, dormouse habitat, red squirrels, and breeding birds.
124. Considering these indirect effects, and the minimal width and depth of the proposed pole with no trenching being undertaken on site which limits the number of trees which could potentially be impacted by the proposed development, and that the land in question comprises mown grass used by holidaymakers, on a balance of probabilities and as a matter of fact and degree I consider that the proposed development would have an acceptable effect on protected species and habitats.
125. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural environments. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with part 1. of Policy DM12 of the Core Strategy which provides that, amongst other things, development proposals will be expected to protect the integrity of international, national and local designations relating to biodiversity.
126. Policy DM2 of the Core Strategy relates to the design quality for new development, with part 2. of that policy referring to trees in the context of the character of the area, which is not directly relevant to this main issue. This is not however a matter which alters my findings above.

Living conditions

127. The proposed pole would be situated in front of the side windows of the unit of holiday accommodation known as Thistle Meadows One. Whilst the appellant has stated that the proposed pole would be located at least approximately 4.1 metres from the nearest unit of accommodation, and would resemble existing vertical elements within the Holiday Park, as it would be a tall structure in this location and reasonably close to the side windows of Thistle Meadows One, the proposed pole would appear as an overbearing structure in views from those windows, even taking account of its slimline nature.

128. The proposed pole would be sited amongst a small area of green space which provides a contribution to the wider area of green space around Thistle Meadows One. In this location, it would constitute a tall and obstructive structure, which would unduly compromise the usability of that area for recreation and for easily moving around the side of Thistle Meadows One.
129. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the users of the nearby units of holiday accommodation. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to provide a functional built environment.

Appeal E: Sector 10 & 11, Thorness Bay Holiday Park

Character and appearance

130. According to the submitted appeal plans, the proposed pole would be situated in an area of green space, next to a wooden-panelled recycling storage area and amongst a wider cluster of accommodation. Considering the presence of these numerous built structures in close proximity to the proposed pole, its slimline nature, and that the Holiday Park as a whole contains a considerable number of other slimline structures with a vertical emphasis, I consider that the proposed pole would not appear out-of-keeping in its context.
131. The Holiday Park comprises a large extent of urbanising development amongst the wider landscape of the AONB and this is consistent with the Holiday Park's location within a Landscape Improvement Zone (LCT7), as defined in the Management Plan. Given the built-up nature of the wider Holiday Park, the presence of an additional slimline pole in its proposed location would have a negligible effect on the Management Aim for LCT7 as set out in the Management Plan, which is, amongst other things, to prevent the expansion of urban influence.
132. Hence, the proposal would have a neutral effect on the wider landscape, and in this respect the landscape and scenic beauty of the AONB would be conserved, as would the natural beauty of the Heritage Coast. The proposal would not conflict with the provisions of the Management Plan in these respects.
133. I therefore find that the siting and appearance of the proposed installation would have an acceptable effect on the character and appearance of the surrounding area, including the AONB and the Heritage Coast. Whilst not determinative, I have had regard to the Framework. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with paragraph 176 of the Framework which provides that, amongst other things, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
134. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with Policies SP5, DM2, and DM12 of the Core Strategy which

collectively provide that, amongst other things, the Council will support proposals that conserve, enhance and promote the landscape, seascape, biodiversity and geological interest of the Island.

Trees

135. The appeal site is in a location covered by a Tree Preservation Order¹². Due to its proposed location, situated in an area of green space and next to a recycling storage area, the proposed pole would be sufficiently distant from nearby trees such that the impact, if any, on the root protection areas of these trees would in all likelihood be negligible.
136. Moreover, the proposed pole would be located within a specific sector within the Holiday Park, and would primarily provide Wi-Fi for the units of holiday accommodation within that sector. On this basis, I consider it unlikely that the proposed pole would result in pressure to prune or fell the nearby trees, as these particular trees would not hinder the dissemination of the Wi-Fi signal in that sector.
137. I therefore find that the proposed development would not have an adverse effect upon trees. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural and historic environments, and would not conflict with part 2. of Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to optimise the potential of the site but have regard to existing constraints, such as trees, which significantly contribute to the character of the area.
138. Policy DM12 of the Core Strategy relates to the landscape, seascape, biodiversity, and geodiversity. Given that any effects of the proposal would be localised, the wider landscape would only be indirectly impacted. As such, this policy is not directly relevant to this main issue. This is not however a matter which alters my findings above.

Protected species and habitats

139. The proposal for this particular pole would not be situated within a SINC, or an area of ancient woodland.
140. As mentioned in the second main issue, above, the proposed pole would not have an adverse effect upon trees. Moreover, no credible evidence has been provided to demonstrate that effects resulting from the construction of the proposed pole would likely result in any harm to any protected species in the foreseeable future, including bat roosting habitat, dormouse habitat, red squirrels, and breeding birds. Considering this, and noting that large trenches would not be excavated across the Holiday Park and that the pole would be situated near to other built structures, and that the land in question comprises mown grass used by holidaymakers, on a balance of probabilities and as a matter of fact and degree it is not reasonably likely that the proposal would have an adverse effect on ecological features on site.

¹² TPO/1950/04

141. I therefore find that the proposed development would have an acceptable effect on protected species and habitats. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural environments. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with part 1. of Policy DM12 of the Core Strategy which provides that, amongst other things, development proposals will be expected to protect the integrity of international, national and local designations relating to biodiversity.
142. Policy DM2 of the Core Strategy relates to the design quality for new development, with part 2. of that policy referring to trees in the context of the character of the area, which is not directly relevant to this main issue. This is not however a matter which alters my findings above.

Appeal F: Sector 17, Thorness Bay Holiday Park

Character and appearance

143. According to the submitted appeal plans, the proposed pole would be situated to the side of a unit of holiday accommodation, which is situated at the end of a row of other units of holiday accommodation. Considering the presence of these numerous built structures in close proximity to the proposed pole, its slimline nature, and that the Holiday Park as a whole contains a considerable number of other slimline structures with a vertical emphasis, I consider that the proposed pole would not appear out-of-keeping in its context.

144. The Holiday Park comprises a large extent of urbanising development amongst the wider landscape of the AONB and this is consistent with the Holiday Park's location within a Landscape Improvement Zone (LCT7), as defined in the Management Plan. Given the built-up nature of the wider Holiday Park, the presence of an additional slimline pole in its proposed location would have a negligible effect on the Management Aim for LCT7 as set out in the Management Plan, which is, amongst other things, to prevent the expansion of urban influence.

145. Hence, the proposal would have a neutral effect on the wider landscape, and in this respect the landscape and scenic beauty of the AONB would be conserved, as would the natural beauty of the Heritage Coast. The proposal would not conflict with the provisions of the Management Plan in these respects.

146. I therefore find that the siting and appearance of the proposed installation would have an acceptable effect on the character and appearance of the surrounding area, including the AONB and the Heritage Coast. Whilst not determinative, I have had regard to the Framework. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with paragraph 176 of the Framework which provides that, amongst other things, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

147. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply

with Policies SP5, DM2, and DM12 of the Core Strategy which collectively provide that, amongst other things, the Council will support proposals that conserve, enhance and promote the landscape, seascape, biodiversity and geological interest of the Island.

Living conditions

148. In its proposed position to the side and rear of a unit of holiday accommodation, it would only be visible from the windows of that unit from oblique angles. Considering this, and as the outlook from those windows is already partially obscured by the mature hedgerow not far from the side of that unit, the proposed pole would not unduly compromise the outlook from those windows.

149. Moreover, as the grassed area in which the proposed pole would be situated essentially consists of a fairly narrow side passage bounded by a fence and hedgerow, it would not likely be a spot for regular sitting out by the users of the unit of holiday accommodation. Consequently, the proposed pole would not impinge on the usability of that space to any meaningful degree.

150. I therefore find that the proposed development would have an acceptable effect on the living conditions of the users of the nearby units of holiday accommodation. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to provide a functional built environment.

Appeal G: Sector 18, Thorness Bay Holiday Park

Character and appearance

151. According to the submitted appeal plans, the proposed pole would be situated slightly in front and to the side of a unit of holiday accommodation known as Signature Cove 16, which is itself part of a wider cluster of accommodation. Considering the presence of these numerous built structures in close proximity to the proposed pole, its slimline nature, and that the Holiday Park as a whole contains a considerable number of other slimline structures with a vertical emphasis, I consider that the proposed pole would not appear out-of-keeping in its context.

152. Similarly, although it would be a tall structure, as it would be situated a considerable distance from the residential property known as The Boundary, Thorness Lane, and beyond the belt of trees present to the west of the site, it would not appear as an unduly obtrusive feature in views of the wider landscape from that property or its grounds.

153. The Holiday Park comprises a large extent of urbanising development amongst the wider landscape of the AONB and this is consistent with the Holiday Park's location within a Landscape Improvement Zone (LCT7), as defined in the Management Plan. Given the built-up nature of the wider Holiday Park, the presence of an additional slimline pole in its proposed location would have a negligible effect on the Management Aim for LCT7 as set out in the Management Plan, which is, amongst other things, to prevent the expansion of urban influence.

154. Hence, the proposal would have a neutral effect on the wider landscape, and in this respect the landscape and scenic beauty of the AONB would be conserved, as would the natural beauty of the Heritage Coast. The proposal would not conflict with the provisions of the Management Plan in these respects.
155. I therefore find that the siting and appearance of the proposed installation would have an acceptable effect on the character and appearance of the surrounding area, including the AONB and the Heritage Coast. Whilst not determinative, I have had regard to the Framework. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with paragraph 176 of the Framework which provides that, amongst other things, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
156. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with Policies SP5, DM2, and DM12 of the Core Strategy which collectively provide that, amongst other things, the Council will support proposals that conserve, enhance and promote the landscape, seascape, biodiversity and geological interest of the Island.

Living conditions

157. Due to its proposed location, situated slightly in front and to the side of the units of holiday accommodation known as Signature Cove 16, the proposed pole would be off-set from the windows in Signature Cove 16. Hence, any views toward the proposed pole would be from oblique angles.
158. Moreover, although the proposed pole would be situated in an area of green space around Signature Cove 16, as Signature Cove 16 would continue to benefit from a large area of green space following the installation of the proposed pole, the proposed pole would not impinge on the usability of that space to any meaningful degree.
159. I therefore find that the proposed development would have an acceptable effect on the living conditions of the users of the nearby units of holiday accommodation. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to provide a functional built environment.

Appeal H: Sector 19, Thorness Bay Holiday Park

Character and appearance

160. According to the submitted appeal plans, the proposed pole would be situated to the side and rear of a unit of holiday accommodation, and amongst a wider cluster of accommodation. Considering the presence of these numerous built structures in close proximity to the proposed pole, its slimline nature, and that the Holiday Park as a whole contains a considerable number of other

slimline structures with a vertical emphasis, I consider that the proposed pole would not appear out-of-keeping in its context.

161. The Holiday Park comprises a large extent of urbanising development amongst the wider landscape of the AONB and this is consistent with the Holiday Park's location within a Landscape Improvement Zone (LCT7), as defined in the Management Plan. Given the built-up nature of the wider Holiday Park, the presence of an additional slimline pole in its proposed location would have a negligible effect on the Management Aim for LCT7 as set out in the Management Plan, which is, amongst other things, to prevent the expansion of urban influence.
162. Hence, the proposal would have a neutral effect on the wider landscape, and in this respect the landscape and scenic beauty of the AONB would be conserved, as would the natural beauty of the Heritage Coast. The proposal would not conflict with the provisions of the Management Plan in these respects.
163. I therefore find that the siting and appearance of the proposed installation would have an acceptable effect on the character and appearance of the surrounding area, including the AONB and the Heritage Coast. Whilst not determinative, I have had regard to the Framework. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with paragraph 176 of the Framework which provides that, amongst other things, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
164. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with Policies SP5, DM2, and DM12 of the Core Strategy which collectively provide that, amongst other things, the Council will support proposals that conserve, enhance and promote the landscape, seascape, biodiversity and geological interest of the Island.

Trees

165. The proposed pole would be situated close to a bank of trees, which are present behind the 2 units of holiday accommodation situated adjacent to the site. Although not covered by a TPO, these trees positively contribute to the wooded character of the Holiday Park and are in-keeping with its wider rural location.
166. Although large trenches would not be excavated across the park, according to the submitted Proposed Mast Elevation drawing¹³ a part of the proposed structure would protrude below ground by a not-insignificant amount. Given the proposed siting of the pole close to the nearby trees, it is for the appellant to provide evidence demonstrating that the trees would not be harmed as a result of the proposed pole being sited in close proximity to the trees.
167. Despite this, no Arboricultural Impact Assessment or other technical information has been submitted to demonstrate the extent of the RPAs of the

¹³ 4613-132

- nearby trees, nor what the extent of the construction works would be, either around or within, the RPAs of the nearby trees. Limited information has been provided to explain what measures would be taken to protect these trees during the construction phase of the proposed development, or from any additional works such as power connection works to the proposed pole.
168. The fact that the proposed pole would not be sited within the spread of the crown or canopy of any tree does not guarantee that the RPAs would not be affected by the proposed development, as the extent of the relevant RPAs has not been specified. The assertion that the relevant land is not conducive for tree growth has not been substantiated.
169. Given this lack of information, it has not been demonstrated that construction works would not impinge on the RPAs of these trees, thereby potentially negatively impacting on the health of these trees, which contribute to the character of the area.
170. The proposed pole would be located within a specific sector within the Holiday Park, and would primarily provide Wi-Fi for the units of holiday accommodation within that sector. On this basis, I consider it unlikely that the proposed pole would result in pressure to prune or fell the nearby trees, as these particular trees would not hinder the dissemination of the Wi-Fi signal in that sector. This does not, however, alleviate the concerns mentioned above with respect to the potential for the proposed pole to have a direct impact on those trees by virtue of its proposed siting.
171. The appellant has suggested that a Tree Protection Plan or Arboricultural Report could be secured for submission under a planning condition. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions found within Class A of Part 16. On this basis, it would not be reasonable to impose conditions relating to this matter.
172. I therefore find that I have insufficient information to demonstrate that the proposed development would not have an adverse effect upon trees. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural and historic environments, and with part 2. of Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to optimise the potential of the site but have regard to existing constraints, such as trees, which significantly contribute to the character of the area.
173. Policy DM12 of the Core Strategy relates to the landscape, seascape, biodiversity, and geodiversity. Given that the potential adverse effects of the proposal would be localised, the wider landscape would only be indirectly impacted. As such, this policy is not directly relevant to this main issue. This is not however a matter which alters my findings above.

Protected species and habitats

174. The proposal for this particular pole would not be situated within a SINC, or an area of ancient woodland.
175. I have found on the second main issue above that I have insufficient information to demonstrate that the proposed development would not have an adverse effect upon trees. Whilst on the basis of the evidence before me it is not possible to be definitive as to whether these trees provide roosting areas for bats or other protected species, the potential harm identified relates to the trees alone. Any consequential effects on protected species would be indirect. Moreover, no credible evidence has been provided to demonstrate that such indirect effects, or effects resulting from the construction of the proposed pole, would likely result in any harm to any protected species in the foreseeable future, including bat roosting habitat, dormouse habitat, red squirrels, and breeding birds.
176. Considering these indirect effects, and the minimal width and depth of the proposed pole with no trenching being undertaken on site which limits the number of trees which could potentially be impacted by the proposed development, and that the land in question comprises mown grass used by holidaymakers, on a balance of probabilities and as a matter of fact and degree I consider that the proposed development would have an acceptable effect on protected species and habitats.
177. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural environments. Similarly, whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would not conflict with part 1. of Policy DM12 of the Core Strategy which provides that, amongst other things, development proposals will be expected to protect the integrity of international, national and local designations relating to biodiversity.
178. Policy DM2 of the Core Strategy relates to the design quality for new development, with part 2. of that policy referring to trees in the context of the character of the area, which is not directly relevant to this main issue. This is not however a matter which alters my findings above.

Living conditions

179. Whilst the appellant has stated that the proposed pole would be located at least approximately 4.1 metres from the nearest unit of accommodation, and would resemble existing vertical elements within the Holiday Park, it would nevertheless still be situated not far from the side windows of the unit of holiday accommodation known as Solent Village No 48. Given its height and its proposed location, the proposed pole would obscure views towards the skyline and parts of the pleasant views towards the trees beyond Solent Village No 49, even taking account of its slimline nature.
180. The proposed pole would be sited amongst an area of green space which provides a contribution to the wider area of green space around Solent Village

No 48. In this location, it would constitute a tall and obstructive structure, which would unduly compromise the usability of that area for recreation and for easily moving around the side of Solent Village No 48.

181. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the users of the nearby units of holiday accommodation. Whilst not determinative, and only to the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to provide a functional built environment.

Need, alternative sites and balance: Appeals A, B, C, D, H

182. Paragraph 117 of the Framework provides that, amongst other things, applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development, and that 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.
183. The appellant has stated that the proposed poles are required in the locations put forward, as the sites relating to appeals A, B, C, D, and H, are devoid of any suitable lampposts or other similar structures. I have no substantive evidence to consider otherwise. For the avoidance of doubt, as I have found that no harm would occur with respect to appeal G, in relation to that appeal there is no requirement to assess the alternative sites put forward by the occupier of the property known as The Boundary, Thorness Lane.
184. Although I have found above that the proposals for appeals A, B, C, D, and H, would have the potential to result in planning harm in one or more respects, such potential negative effects must be considered in the context of the wider Holiday Park which contains a large number of trees, and that the harm to the living conditions of the users of the units of holiday accommodation would be confined to individual units and / or the recreational space around those units, with large numbers of units within the wider Holiday Park and generous amounts of recreational space around the Holiday Park remaining unaffected.
185. Similarly, given the extensive amount of built form already present within the Holiday Park, the proposed poles would have a negligible effect on the wider environment in the context of the Isle of Wight UNESCO Biosphere Reserve designation. Furthermore, none of the proposals would affect the facilities and services within the wider Holiday Park such as the bar and restaurant and adventure playground. As a matter of planning judgement these potential harms are therefore accorded moderate weight with respect to appeals A, B, C, D, and H.
186. Paragraph 118 of the Framework provides that, amongst other things, decision-makers should not question the need for an electronic communications system. I consider that this includes the need for the type of installations proposed, as opposed to exploring the potential for full fibre broadband (including underground cables) to be installed on site.

187. In any event, in the present day holidaymakers can reasonably expect to have access to Wi-Fi with high speed internet connectivity within an established holiday park. Additionally, the Holiday Park currently suffers from a poor level of internet connectivity provided by mobile phone internet providers. As such, there is a clear need for the proposed poles for appeals A, B, C, D, and H, to assist the Holiday Park in offering Wi-Fi coverage and capacity at a standard reasonably expected by users of the relevant units of holiday accommodation.
188. The proposed developments for each of these appeals would provide bespoke Wi-Fi coverage to the Holiday Park. Hence, all of the proposed sites must be within the confines of the Holiday Park. As the whole of the Holiday Park is given over to recreational use and it contains a large number of trees, it is likely that any other potential proposed sites for the poles within the Holiday Park itself would also cause similar issues to those identified on the main issues above for appeals A, B, C, D, and H, especially with regards to the potential for intrusion into parcels of recreational space within the Holiday Park.
189. Accordingly, on the basis of the evidence before me it appears that there are not any other locations within the Holiday Park which would be likely to cause less planning harm than that identified with respect to the proposed poles for appeals A, B, C, D, and H. Given that there is a need for a fit-for-purpose electronic communications system within the Holiday Park, it is clear that the proposed poles must be sited somewhere within the Holiday Park. This is a factor which weighs strongly in favour of the proposals for appeals A, B, C, D, and H, which is a matter to which I accord significant weight.
190. Therefore, whilst the proposed poles for appeals A, B, C, D, and H, would potentially result in planning harm in the terms described above, I find that this is outweighed by the need for the installations to be sited as proposed, taking into account that no suitable alternatives exist. Prior approval should therefore be granted for the proposed poles for appeals A, B, C, D, and H.

Other Matters: All appeals

191. Concerns have been raised about potential effects on health. However, the appellant has provided certificates to confirm that the proposals have been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
192. Whilst reference has been made to the origin of the raw materials used for the proposed poles and their effect on the environment, and Calbourne Parish Council have referred to the conditions on previous planning permissions, these are not matters which alter my findings above, as the prior approval considerations are limited only to matters of siting and appearance.

Conditions: All appeals

193. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic

communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusions: All appeals

194. The proposals for appeals E, F, and G, have been found on the main issues to be acceptable. With respect to appeals A, B, C, D, and H, I have found that the potential harms identified would be outweighed by the need for the installations to be sited as proposed, taking into account that no suitable alternatives exist.
195. I therefore conclude that appeals A, B, C, D, E, F, G, and H, should be allowed and prior approval should be granted for all these appeals.

Alexander O'Doherty

INSPECTOR