



Appeal Decision

Site visit made on 13 June 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/P5870/W/22/3299741

Beddington Lane, Croydon, Surrey CR0 4TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/00063, dated 13 January 2022, was refused by notice dated 23 March 2022.
 - The development proposed is 5G telecoms installation: H3G Phase 8 20m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposal in the banner heading from the details given in the appeal form and section 1 of the original application form.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

Planning Policy

4. The provisions of the GPDO do not require regard to be had to the development plan. Nevertheless, I have had regard to the policies in the Sutton Local Plan 2016-2031 – February 2018 (the LP) and the National Planning Policy Framework (the Framework), only insofar as they are a material consideration relevant to the matter of siting.

Main Issue

5. The main issue is the effect of the siting of the proposal on the implementation of planned highway improvements 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

Planned highway improvements

6. The appeal site lies on the footway adjacent to Beddington Lane in a predominantly commercial area. It is understood to form part of a Strategic Industrial Area and the adjacent uses, many of which appear to have been recently constructed, reflect this designation. At the time of my visit, the presence of cones and associated construction paraphernalia in the vicinity of the site indicated that some highways works were ongoing.
7. Within its statement of case, the Council has provided details of a planned highway improvement scheme comprising a new 5-metre-wide footway/cycleway from the Beddington Lane Tram Link in the north to Beddington Village in the south, which passes through the site of the proposed installation. The Council considers that the proposed installation of additional street furniture in this location would reduce the intended space for pedestrians and cyclists and would adversely impact on the benefits of this new major highways infrastructure project. The appellant has been given the opportunity to comment on the submitted details.
8. The proposed improvements are detailed on drawing number 3054-0100-001 Rev B dated 21 September 2017, prepared by WSP UK Ltd (the Highways Drawing). Given the length of time elapsed since the drawing was prepared and the recent development that has taken place in the area, there are some differences between the Highways Drawing and the current situation on the ground. Most notably, the Highways Drawing illustrates a vehicular access from Beddington Lane at or near to the appeal site, which has not been constructed. On the basis that the adjacent development appears to have since been completed, this does not appear to form part of the proposals going forward.
9. Notwithstanding these differences, there appears no evidence that the existing situation would prevent the implementation of the scheme shown on the Highways Drawing, or a similar iteration. However, the proposed installation would be sited on the pavement and would encroach on to the limited available land to undertake these improvements. As such, the Council's concern that the proposed installation would inhibit the implementation of the planned highways improvements appears well-founded. I have been provided with no evidence to demonstrate how the proposal could be installed in a manner that would not prejudice the implementation of the highway improvements.
10. The proposed highway improvements would deliver significant benefits that would include improving access in a location with poor public transport accessibility; improving health, air quality and reducing congestion and emissions through lower reliance on private vehicles; and providing designated safe routes for cyclists and pedestrians. Accordingly, any development that would prevent the delivery of these improvements would significantly detract from these benefits and be harmful to the function of the highway network, and I attach significant weight to this harm.
11. For the above reasons, I conclude that harm would arise through the siting of the proposal on the basis it would prejudice the implementation of planned highway improvements. Insofar as they are a material consideration relevant to these matters, the proposal would conflict with Policies 23 and 28 of the LP,

which together seek to ensure development is inclusive and accessible for all, improves movement through areas and is not intrusive in the street scene.

Suitable alternative locations

12. The appellant has provided a plan of the intended search area, which has a radius of approximately 250 metres from a nominal point to the north of the appeal site. Within the search area, 4 alternative sites have been identified.
13. All sites have been discounted for reasons of narrow pavements, which appears to be the same issue relevant to the appeal proposal. One site has also been discounted because it is outside of a house and another because it is deemed to be too close to a railway.
14. Whilst the issue of unsuitable pavements appears to be a common search constraint, the specific siting of the proposed installation would be particularly sensitive to this constraint based on the planned highway improvements. The appellant has not specifically responded to the Council's concerns on this matter or offered a solution to demonstrate how the proposed development would be installed without prejudicing the delivery of works. Furthermore, no evidence has been provided to demonstrate that the proposal would have a less harmful effect on the highway network than any of the alternative sites.
15. Based on the evidence before me, the assessment of alternative sites is not sufficiently robust to demonstrate that the proposal could not be installed in an alternative location that would deliver the same benefits whilst having less harmful effects.

Planning Balance and Conclusion

16. I acknowledge that the proposed installation would not adversely affect the character or appearance of the area and it would deliver significant benefits to mobile telecommunications in the area. However, I am also mindful that the site lies in the path of a major highway improvement scheme that will deliver significant benefits, and I have been provided with no evidence to demonstrate how the proposals could be delivered without prejudicing the delivery of this scheme. Even recognising the strong support afforded to telecommunications development through the GPDO and the Framework, I am provided with insufficient evidence that an alternative location could not deliver the same benefits whilst generating less harm to the function of the highway network.
17. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR