



Appeal Decision

Site visit made on 15 August 2023

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/Q3820/W/22/3312582

Green Lane, Northgate Crawley, West Sussex, RH10 8JX

- 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 Crawley Borough Council.
- The application Ref CR/2022/0391/TEL, dated 21 June 2022, was refused by notice dated 18 August 2022.
- The development proposed is a 5G telecoms installation: 15m street pole and 3 additional ancillary equipment cabinets and associated ancillary works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This is an application for Prior Approval. Therefore, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) 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. This appeal will be determined on this basis.

Publicity and Consultation.

3. Schedule 2, Part 16, Class A.3 sub-paragraph (5) (d) of the GPDO states that, in the circumstances of this case, an application for prior approval must be accompanied by evidence that the Civil Aviation Authority has been notified of the proposal.
4. The appellant states that they had been consulted and no response had been received. Furthermore, Gatwick Airport Limited was notified by the LPA and have provided a response dated 4th July 2022 which states that they have no objection. As such, even if the appellant did not comply with this requirement, there would be no prejudice as a result of this. As such I have proceeded to determine this appeal.

Planning Policy

5. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.

6. Nevertheless, Policies CH2, CH3 and CH7 of the Crawley Borough Local Plan 2015-2030 (2015) (LP) and the guidance in the Urban Design Supplementary Planning Document (2016) and Green Infrastructure Supplementary Planning Document (2016) are material considerations as they relate to issues of siting and appearance. Together these seek high quality design, to protect features which make a positive contribution to the area, to create public spaces that are attractive and uncluttered, and require that masts should be designed and located to have a minimal impact on visual amenity and to protect structural landscaping areas. Similarly, the National Planning Policy Framework July 2021 (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.

Main Issues

7. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Siting and Appearance

8. The appeal site is designated as structural landscaping in the LP and is a mainly grass verge with trees and planting. It is located between Green Lane with single storey houses on the opposite side and the busy dual carriageway of Crawley Avenue, which is separated by a close boarded fence. There are a few low level streetlights to Green Lane, although the taller lighting to Crawley Avenue is visible above the fence and trees. The appeal site is in a conspicuous position close to the bend in the road and the entrance to North Mead. The overall character of the area is residential and the natural, open nature of the verge is a pleasant green feature in this location.
9. The proposed street pole would be a developed man-made utilitarian feature and would be taller and bulkier than street furniture to Green Lane, albeit that the lighting to Crawley Avenue means that taller installations are not completely alien to this area. Nevertheless, the height and bulk of the installation would be greater than those which characterise the domestic streetscene along Green Lane, and taller than the surrounding houses and trees. As such it would be harmfully dominant and incongruous in these regards. Consequently, it would harmfully undermine the modest height of the surroundings and the attractive open green nature of the appeal site in these respects.

Alternatives

10. The proposed development is needed for Three UK to provide 5G coverage and improved connectivity. Paragraph 118 of the Framework establishes that local planning authorities should not question the need for an electronic communications system. The evidence submitted indicates that the installation must be close to an area focussed around Green Lane, shown in the 'Coverage Map' within the Site Specific Supplementary Information.
11. The Appellant has suggested alternative locations for the siting of the proposal some of which, in particular D4, are some distance from the area identified in the Coverage Map. Some of these are similarly constrained to the appeal site

and others further constrained. Therefore, there is reasonable justification for discounting some of these options and whilst others would be alternatives the effects are likely to be comparable.

12. However, pre application advice from the Council, which the appellant has had the opportunity to consider, suggested alternative sites. In particular; a location just to the north of the dual carriageway, a location nearer to the cycle underpass either side of the dual carriageway road and or positioning in such a way that makes maximum benefit of the surrounding tree cover. These do not appear to be any further from the nominal location than other alternative locations suggested. I have not been provided with detailed evidence that these suggested locations have been assessed and discounted with reasonable justification. Therefore, the information submitted does not demonstrate that a sufficiently thorough review of the possible options has been conducted and the possibility of a suitable alternative site remains.
13. As such, the need for the installation to be sited as proposed, taking into account any suitable alternatives, does not outweigh the identified notable harm that would occur to the character and appearance of the area due to the siting and appearance of the proposal.

Other Matters

14. Reference has been made to various social and economic benefits of the development but these are not relevant to the considerations of siting and appearance.

Conclusion

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

H Miles

INSPECTOR