



Appeal Decisions

Site visit made on 27 July 2023

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal A Ref: APP/P3610/W/22/3301980

Existing base station, The Stoneleigh Inn, Stoneleigh Broadway, Epsom, Surrey, KT17 2JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cornerstone and Telefonica UK Ltd against the decision of Epsom and Ewell Borough Council.
 - The application Ref 21/00790/FUL, dated 10 May 2021, was refused by notice dated 27 December 2021.
 - The development proposed is an upgrade of an existing base station consisting of the proposed removal of 3 no existing antennas to be replaced with proposed 2no antennas on new steelwork fixed to chimney brickwork, together with the replacement of 3 no cabinets and ancillary development thereto.
-

Appeal B Ref: APP/P3610/Y/22/3301981

Existing base station, The Stoneleigh Inn, Stoneleigh Broadway, Epsom, Surrey, KT17 2JA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Cornerstone and Telefonica UK Ltd against the decision of Epsom and Ewell Borough Council.
 - The application Ref 21/00791/LBA, dated 10 May 2021, was refused by notice dated 27 December 2021.
 - The works proposed are an upgrade of an existing base station consisting of the proposed removal of 3 no existing antennas to be replaced with proposed 2no antennas on new steelwork fixed to chimney brickwork, together with the replacement of 3 no cabinets and ancillary development thereto.
-

Decisions

1. **Appeal A** is allowed and planning permission is granted for the upgrade of an existing base station consisting of the proposed removal of 3 no existing antennas to be replaced with proposed 2 no antennas on new steelwork fixed to chimney brickwork, together with the replacement of 3 no cabinets and ancillary development thereto at the existing base station, The Stoneleigh Inn, Stoneleigh Broadway, Epsom, Surrey, KT17 2JA in accordance with the application Ref: 21/00790/FUL, dated 10 May 2021, subject to the conditions set out in the first schedule below.
2. **Appeal B** is allowed and listed building consent is granted for the upgrade of an existing base station consisting of the proposed removal of 3 no existing antennas to be replaced with proposed 2 no antennas on new steelwork fixed to chimney brickwork, together with the replacement of 3 no cabinets and ancillary development thereto at the existing base station, The Stoneleigh Inn, Stoneleigh Broadway, Epsom, Surrey, KT17 2JA in accordance with the application Ref: 21/00791/LBA, dated 10 May 2021, subject to the conditions set out in the second schedule below.

Preliminary Matters

3. The building is now known as 'The Station Public House' but I have used the Stoneleigh Inn in the above header and my formal decisions as this is the address on the application forms, decision notices and the submitted plans.
4. Amended plans were submitted with the appeals, which would replace a pair of cable trays on one roofslope with a single, wider one. The officer's report did not refer to the cable tray or raise any objection to the arrangement of a double tray. The Council has not formally commented on the amendment as it relied on the officer's report and did not submit an appeal statement. Nevertheless, as it could have taken the opportunity to do so, I am satisfied that no prejudice would be caused by my acceptance of the amended plans.
5. The two appeals concern the same scheme under different, complementary legislation, I have therefore dealt with both appeals together in my reasoning.

Main Issue

6. The main issue in both appeals is whether the proposed works and development would preserve the Grade II listed building or any features of special architectural or historic interest that it possesses.

Reasons

Significance

7. Stoneleigh Inn is a 20th century public house of the interwar period in the Tudorbethan style. Its significance derives from a wealth of distinctive mock Tudor features which include a timber framed first floor, timber carvings on the barge boards, steeply pitched roof projections, pitched roof dormer windows and tall, well detailed chimney stacks. The height of the chimneys gives them a dramatic and imposing appearance. They, combined with the other notable features, make the pub a prominent and highly individualistic building located immediately adjacent to the station and within the commercial centre of Stoneleigh.
8. The existing communications equipment was installed under the operator's permitted development rights prior to the building being listed in 2015. By then it had also accumulated various TV aerials, satellite dishes, spotlights, CCTV cameras and other cables on its external elevations. In 2016, planning permission and listed building consent was granted for supplementary equipment to be added to the three antennae. However, these permissions were not implemented and are no longer extant.
9. The existing antennae attached to the double chimney stacks facing the Broadway (north) and Kenilworth Road (east) do not stand out when viewed from those streets. Their appearance has been partially masked by camouflaging them with a painted brickwork pattern. The equipment is more apparent when viewed from further away when gaps can be seen between the antenna and the brickwork. However, these do not stand out to such a degree as to noticeably diminish the appearance of the whole building. The third antenna is attached to the single chimney stack on the south-west elevation where the gap between it and the stack can be seen from the station exit. It is therefore less effectively integrated into the building than the other antennae.

Assessment

10. The proposal would replace the three antennae with two larger ones; both of which would be attached to the double stacks. The removal of the antenna from the south-west corner of the building would be a benefit of the scheme. On the other hand, although no taller, the replacement antennae would be a little bulkier, there would be additional boxes attached to the flank walls and new supporting steel work would be required to attach them securely to the stacks. These changes would make the chimneys appear more cluttered and cause some harm to the building's appearance. However, as the new equipment would be replacing that which already affects the building's appearance to some degree, I consider this harm would be limited.
11. Nevertheless, the development would conflict with Policies DM8, DM9 and DM18 (iii) of the Epsom and Ewell Development Management Policies Document (2015). These policies require, amongst other things, proposals to enhance local distinctiveness, to take account of the significance of a heritage asset when assessing proposals, and to grant planning permission for telecommunications apparatus which would not cause harm to the visual amenity of listed buildings.

Public benefits

12. In terms of the National Planning Policy Framework (the Framework) I consider the harm identified may be quantified as less than substantial and would be towards the lower end of the spectrum. However, this assessment of harm still amounts to a significant objection as great weight should be given to the conservation of a designated heritage asset, such as a listed building. It is therefore necessary to weigh the identified harm against the public benefits of the proposal as required by paragraph 202 of the Framework.
13. The Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being (paragraph 114). It suggests that while the number of masts and the sites should be kept to a minimum to meet the needs of operators and consumers, use of existing masts and buildings should be encouraged, and equipment should be sympathetically designed and camouflaged where appropriate.
14. The appellant has provided considerable evidence to support the proposal as a means of improving mobile connectivity. It would upgrade 2G/3G coverage and capacity within the area of Stoneleigh and would provide access to new 4G and 5G services. This would appreciably contribute to improvements in wireless connectivity and ensure that customers in the vicinity would have access to mobile services both indoors and outdoors. Upgrading an existing installation would also be preferable to having to identify and secure a suitable alternative site in the locality. These benefits carry significant weight in the balance.
15. The camouflage used on the existing antennae has helped integrate the equipment with the chimney stacks when seen from the Broadway and Kenilworth Road. Similar camouflage could be applied to the replacement equipment, and this could be secured by means of an appropriate condition. This would help integrate the antennae with the chimney stacks and mitigate the identified harm. The existing cable tray is not in a visually prominent location on the roof slope. However, its colour, light mustard, jars with that of the roof tiles. The appellant indicated that the enlarged cable tray shown on the

amended plans would be painted to match the roof. This would be an enhancement compared to the current situation and is a matter that could also be secured by condition.

16. I am aware that a proposal for three antennae was dismissed at appeal in December 2019. In that case the Inspector found that the installations on the two double chimney stacks were justified by the public benefits outweighing the limited additional harm. He only rejected that scheme because of the visual harm arising from the proposed antennae on the single stack on the south-west elevation. However, this antenna would be removed as part of the current proposal.
17. Taking all the above factors into account and applying the principle within paragraph 199 of the Framework, which states that great weight should be given to conserving the significance of designated heritage assets, I conclude that the public benefits of the proposal would outweigh the less than substantial harm identified. Consequently, the proposal would accord with national policy in respect of its effect on the Stoneleigh Inn, a Grade II listed building. The development and works would not conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to have special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses.

Conditions

18. I have considered the need for conditions having regard to the advice set out in paragraph 56 of the Framework. I gave the appellant the opportunity to comment on conditions suggested by the Council which were provided after the site visit. I also consulted the parties on additional conditions and secured the appellant's agreement to a pre-commencement condition (No 3).
19. In addition to the standard time limit, a condition specifying the plans is required in the interests of certainty. To ensure that the chimneys are sound and capable of hosting the replacement equipment, a structural survey is required. Any repairs found to be needed must be carried out as part of the installation of the replacement antennae. The chimney from which the third antennae is to be removed must be left in a sound and safe condition. Conditions securing the survey and these works are therefore essential in the interests of safety and to preserve the listed building.
20. I have imposed conditions requiring the antennae to be camouflaged in an appropriate manner, amending the wording for the sake of simplicity and clarity. I have imposed conditions relating to the colour of the amended cable tree, having had regard to the comments of both parties. All these conditions are required to preserve the appearance of the building.
21. The Council sought to have details of all service runs, cable trays, cabling and fixings associated with the antennae agreed by condition. However, other than removal of equipment associated with the antenna on the south-western chimney, the only other change would appear be to the enlarged cable tray shown on the amended plans. I therefore do not consider the Council's suggested condition is necessary. The Council sought conditions requiring consideration be given to installing the 3-way DC boxes away from the roof and chimneys. However, this would amount to a significant change to the proposals before me and would therefore be unreasonable.

Conclusion

22. I have found that the replacement of the existing three antennae with two larger ones would cause some limited harm to the significance of the listed building and would therefore conflict with the development plan. However, this would be outweighed by the public benefits that would accompany the provision of improved mobile communications.
23. For this reason, I conclude that both appeals should be allowed.

Sheila Holden
INSPECTOR

Appeal A: Schedule of conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site location maps: Drawing No 100 Rev A
 - Code agreement drawing: Drawing No 101 Rev A
 - Site plan – existing: Drawing No 200 Rev A
 - Site plan – proposed: Drawing No 201 Rev E
 - Site elevation – existing: Drawing No 300 Rev A
 - Site elevation – proposed: Drawing No 301 Rev D
 - Site elevation – existing: Drawing No 302 Rev A
 - Site elevation – proposed: Drawing No 303 Rev B
 - Equipment layout: Drawing No 400 Rev C
3. Prior to the installation of the antennae hereby permitted, a structural survey report providing details of the condition and soundness of the three chimneys and affected by the proposal shall be submitted to and approved in writing by the local planning authority. The report shall identify any works of repair and repointing of the chimneys which will be carried out during the removal of existing equipment and installation of the replacement antennae. The works shall be carried out as approved and documented during the installation and a report giving details of those works shall be submitted to the local planning authority within 28 days of the replacement antennae being brought into operational use.
4. The antennae hereby permitted shall not be brought into operational use unless and until they have been camouflaged in accordance with details which have previously been submitted to and approved in writing by the local planning authority. The antennae shall be retained as approved.
5. The cable tray hereby permitted on the western elevation of the building shall not be brought into operational use unless and until it has been painted, or provided in a material, that matches the colour of the existing roof. The cable tray shall thereafter be retained in that colour.

Appeal B: Schedule of conditions

1. The works hereby permitted shall begin not later than 3 years from the date of this decision.
2. The works hereby permitted shall be carried out in accordance with the following approved plans:
 - Site location maps: Drawing No 100 Rev A
 - Code agreement drawing: Drawing No 101 Rev A
 - Site plan – existing: Drawing No 200 Rev A
 - Site plan – proposed: Drawing No 201 Rev E
 - Site elevation – existing: Drawing No 300 Rev A
 - Site elevation – proposed: Drawing No 301 Rev D
 - Site elevation – existing: Drawing No 302 Rev A
 - Site elevation – proposed: Drawing No 303 Rev B
 - Equipment layout: Drawing No 400 Rev C
3. Prior to the installation of the antennae hereby permitted, a structural survey report providing details of the condition and soundness of the three chimneys and affected by the proposal shall be submitted to and approved in writing by the local planning authority. The report shall identify any works of repair and repointing of the chimneys which will be carried out during the removal of existing equipment and installation of the replacement antennae. The works shall be carried out as approved and documented during the installation and a report giving details of those works shall be submitted to the local planning authority within 28 days of the replacement antennae being brought into operational use.
4. The antennae hereby permitted shall not be brought into operational use unless and until they have been camouflaged in accordance with details which have previously been submitted to and approved in writing by the local planning authority. The antennae shall be retained as approved.
5. The cable tray hereby permitted on the western elevation of the building shall not be brought into operational use unless and until it has been painted, or provided in a material, that matches the colour of the existing roof. The cable tray shall thereafter be retained in that colour.