



Appeal Decision

Site visit made on 22 August 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2023

Appeal Ref: APP/W0530/W/22/3299651

Mill Lane, Histon CB24 9US

- 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) ('GPDO').
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref 21/04971/PRIOR, dated 5 November 2021, was refused by notice dated 12 January 2022.
 - The development proposed is 16.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of 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. My determination of this appeal has been made on the same basis. Also, I have only had regard to the development plan and the National Planning Policy Framework ('the Framework') insofar as they are material to matters of siting and appearance.
3. Based on representations made in respect of the submitted drawing titled '260 Proposed Elevation' and having inspected this, although the proposed monopole is identified as being about 16m high, this does not appear to be accurately reflected in relation to nearby street furniture and trees. Therefore, the accuracy of this drawing is doubtful. Accordingly, whilst I have had regard to this drawing, I have determined the appeal based on the appellant's other submissions and my visit.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area and, in the event that any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed and any benefits associated with the proposal.

Reasons

5. The appeal relates to an area of grass verge next to a footpath at the junction of Glebe Way and Mill Lane ('the site'). The wider grass verge area also incorporates a footpath. To the rear of this lies a cemetery which is separated

by a line of mature trees. To the south of the site is 2 Mill Lane, a Grade II Listed dwelling.

6. Whilst the site is located adjacent to a road and there is development nearby, this section of the Glebe Way is largely lined by landscaping. Indeed, the grass verge which the appeal site is a part of also incorporates trees and benefits from the backdrop of landscaping associated with the cemetery.
7. Furthermore, a similar grass verge is located on the other side of the entrance to Mill Lane. Together, these grass verges provide a verdant entrance to the dwellings located off Mill Lane and also complement the landscaping on the opposite side of the road.
8. Nearby street furniture is limited to some road signs, which are of a modest scale and settled within the street scene. Any taller elements of street furniture comprise streetlights which are about half the height of the proposed monopole, well-spaced and of a slimmer form.
9. As such, and notwithstanding that the site is not located in a designated area, for the above reasons, the surrounding area has a distinctly semi-rural character and verdant appearance. Because the appeal site forms part of a largely landscaped space, this also positively contributes to the character and appearance of the area.
10. The proposal is required to improve digital wireless, mobile coverage, including 5G coverage within the area which includes Histon. Nonetheless, in the abovementioned context, the proposed 16m high monopole would not visually integrate with the nearby street lighting due to its appreciably greater height and column width and more bulky and visibly distinct headframe design in relation to the supporting column.
11. Whilst I acknowledge that the nearby trees would offer some screening of the proposed monopole, this would be largely limited to views from the cemetery and travelling south along Glebe Way. Even so, during the winter months when leaf cover is reduced, the monopole would appear as a more dominant structure viewed from the surrounding areas including Local Green Space. Also, in my view, because of the alignment of the appeal site relative to Glebe Way, the visual impact of the proposal, when travelling north along this road would be particularly apparent.
12. I understand that the installation must be high enough to ensure suitable coverage within the cell and provide connection between these cells. Even so, the proposed monopole because of its siting and appearance in the proposed location would be a visually dominant structure, which would appear uncharacteristic within its prevailing verdant and semi-rural setting.
13. The siting of the proposal is unlikely to obstruct the free flow of pedestrians. Nonetheless, the position of the monopole and cabinets, along with existing cabinets within the grass verge, in proximity of a junction and the roadside, would further contribute to clutter and the visual dominance of the proposal. This would be particularly apparent as perceived by passing drivers, pedestrians and other highway users.
14. Even though the appellant has suggested that the equipment could be finished in a colour of my choosing, I am not persuaded that, in particular, the visual

impact arising from the design, height and siting of the monopole could be mitigated by the use of a particular colour finish.

15. The appellant asserts that the equipment cabinets would be classified as permitted development. This is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. The proposal before me therefore relates to the whole installation, including the cabinets.
16. Drawing on the above reasons, the proposal due to its siting and appearance would introduce a stark and incongruous feature within the street scene, which would be significantly harmful to the character and appearance of the area.
17. The proposal would therefore be contrary to Policies HQ/1 and NH/11 of the South Cambridgeshire Local Plan 2018, insofar as these are material to this application for prior approval.

Other considerations

18. Support for the delivery of advanced, high quality and reliable communications networks is afforded by the Framework, other government documents as set out in the appellant's submissions and the development plan, and such networks bring significant social and economic benefits. I have also taken account of the sustainability, environmental, education and health benefits associated with improved telecommunications apparatus.
19. Paragraph 117(c) of the Framework outlines that 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 should be submitted.
20. The sequential approach to site selection includes: 1. Upgrading an operator's own existing base station(s); 2. Using existing telecommunications structures belonging to another code system operator, i.e., mast sharing; 3. Co-location or site sharing alongside existing telecommunications development; 4. Installing a base station on an existing building or tall structure. If 1-4 are unavailable, the only viable option is 5. Erection of a new ground-based mast.
21. Even though the search area is constrained, a number of alternative sites were considered and subsequently discounted. However, the information before me is limited to a map of the cell search area and a brief explanation as to why each of the alternative sites is unsuitable. The main reasons for discounting the alternatives are limited. Additionally, whilst an Option 2 site was 'discounted from a radio perspective' it is unclear what this means.
22. Consequently, no substantive evidence has been provided to show that adverse impacts would take place or that locations within the identified alternative sites could not host an installation.
23. The appellant states that opportunities for site sharing have been investigated and exhausted, with there being no suitable structures or properties in the designated search area that could facilitate a rooftop or site share installation. No information however has been provided detailing which existing structures or properties were looked at, with the other discounted sites appearing to all be ground level.

24. Overall, I have insufficient evidence to be satisfied that the appeal site represents the least harmful option available in the area to meet the additional coverage and capacity requirements and so secure the same public benefits. Even if I were to accept the appellant's evidence on alternative sites, this does not outweigh the significant harm arising from the proposal in this instance.

Other Matters

25. The appeal documentation contains an International Commission on Non-Ionizing Radiation Protection declaration. Therefore, in line with the requirements of the Framework, I have no reason to believe that the proposed development would lead to an adverse effect upon the health of individuals.
26. Due to the separation between the appeal site and the abovementioned Listed Building, the proposal would not harm the setting of this Listed Building.

Planning balance and Conclusion

27. I have taken account of the potential public benefits of the proposal detailed by the appellant, and the support given elsewhere and by the Framework for high quality and reliable communications infrastructure, including 5G networks, in supporting economic growth and social well-being.
28. However, whilst I attach considerable weight to the support and benefits identified and the locational needs for the proposal, as set out in the appellant's submissions, these do not outweigh the significant harm that I have found arising from the proposal due to its siting and appearance. I, therefore, conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR