



Appeal Decision

Site visit made on 13 June 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/T5150/W/22/3309183

Land to south-west of Morrisons Petrol Filling Station, Honeypt Lane, Edgware, London NW9 6RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 MBNL (EE (UK) Ltd and H3G (UK) Ltd) against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/0727, dated 25 February 2022, was refused by notice dated 21 April 2022.
 - The development proposed is the installation of a 20 metre high monopole supporting 12 no. antennas & 2 no. 600mm transmission dishes, the installation of 7 no. equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issues are:
 - the effect of the siting and appearance of the proposed installation on the character and appearance of the area, with particular reference to trees and biodiversity; 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

Character and appearance

5. The appeal site is located adjacent to Cumberland Road which is accessed from Honeypot Lane. The area is commercial with a large number of businesses and commercial units located within the area. There is also a supermarket and petrol station which has an access road that runs next to the appeal site.
6. The site itself is a parcel of land between Cumberland Road and the road into the supermarket. It is mostly grass, bordered by a number of trees and low metal railings. The proposal would be located towards the edge of the parcel of land, close to the petrol station forecourt.
7. Street furniture is common and extensive due to the commercial nature of the area including lampposts, signs, railings and advertisements. The junction of Honeypot lane and Cumberland Road is a busy, traffic lighted junction and views of the proposal would be most prominent from this area.
8. The appeal site is an open, grassed parcel of land containing several mature trees which results in a verdant character and appearance that provides some visual relief to the hard built form of the area nearby.
9. The Council raises concern about the impact of the proposal on nearby trees and in this regard the appellant has carried out an arboricultural report. The report confirms that damage would not be caused to the trees subject to several measures including a temporary road service, tree protection fencing and designated areas for material storage and heavy machinery.
10. While I note the findings of the arboricultural report the relevant provisions of the GPDO do not allow me to impose conditions beyond those set out in paragraphs A.3(9), A.3(11) and A.2(2). I am therefore unable to ensure that the recommended measures are carried out and therefore cannot guarantee that the proposal would not result in damage to the trees.
11. The proposal would have a slim design and there is other street furniture present, however, the potential damage and subsequent loss of trees on the site would erode the verdant character and visual relief the site provides. As a result, the proposed monopole and associated cabinets would stand out as incongruous features in the street scene.
12. The monopole and cabinets would be coloured light grey which would make the proposal further stand out as stark features against the green backdrop of trees and grassland. I note the appellant's suggestion that the colour of the proposal could be changed, however I am only in a position to consider the proposal as submitted and in any case, the change in colour would not outweigh the harm as a result of the potential loss of trees.
13. The proposal would result in the loss of a small area of mown grass and potential loss of trees. As such, without any compensatory planting the proposal would equate to a small loss of biodiversity.
14. I conclude that the proposal would harm the character and appearance of the area and trees and result in a loss of biodiversity. The siting and appearance of the proposal is therefore unacceptable.

Alternative sites

15. I acknowledge that siting of the proposal is based on coverage and capacity to the surrounding area. It is also required to replace an existing base station to maintain and improve digital coverage in a high use area. I also note that the proposal would be subject to a sharing agreement between networks and will also provide coverage for the emergency services.
16. I also note that the use of existing buildings has been considered as encouraged by paragraph 113 of the Framework. I am therefore satisfied that the appellant has demonstrated that the proposed development is needed at this location and the Council have raised no concern in relation to this particular aspect.
17. The appellant's alternative site assessment suggests that there are constraints associated with other new mast locations within the search area. I note the reasoning behind discounting the sites shown with the submission however I am not convinced that the search area has been properly explored. The evidence before me is therefore not compelling in respect of whether or not the benefits could be provided without the significant harm being caused and I therefore cannot be sure that the appeal scheme is the most suitable in terms of its siting and appearance.
18. There is support in the Framework and by the Government for high quality communications, and advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. In this regard, policies and decisions should support the expansion of the communications network, and the delivery of 5G infrastructure is specifically referenced. The public benefits therefore weigh substantially in favour of the proposal.
19. However, I must balance this against the requirement for equipment to be sympathetically designed and sited where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term. In this regard, the proposed siting and appearance would cause harm to the character and appearance of the area and trees and result in a loss of biodiversity which I give significant weight. This harm attracts significant weight against the proposal which is not outweighed by the public benefits. For these reasons I find the siting and appearance of the proposed development to be unacceptable.

Other Matters

20. I have had regard to appeal decisions¹ referred to by the appellant however based on the information provided, I note that these sites are located some distance away and based on the evidence before me, the character and appearance of these site would appear to be different. In any case, I have considered the case on its planning merits.
21. I note the appeal decisions² that the appellant has referred to, where the inspector in these appeals have found that the public benefits outweigh the harm. However, the merits of these appeals are different from the appeal in

¹ APP/L1765/W/18/3197522, APP/J4423/W/21/3268791, APP/J4423/W/17/3188962, APP/Y3425/A/02/1084110

² APP/Q3305/W/18/3206555, APP/M5450/W/17/3180345, APP/R5510/W/21/3269903

front of me and for the reasons outlined, I have found the public benefits do not outweigh the harm.

22. The appellant suggests that the associated cabinets do not require planning permission, however I have no convincing evidence to suggest that these would be installed in isolation, without the associated monopole and I have therefore considered the proposal as a whole.

Conclusion

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

D Wilson

INSPECTOR