



Appeal Decision

Site visit made on 24 July 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/X1545/W/22/3309199

East End Road, Bradwell-on-Sea CM0 7PY

- 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 Cornerstone against the decision of Maldon District Council.
 - The application Ref TELPN/MAL/22/00494, dated 31 March 2022, was refused by notice dated 18 May 2022.
 - The development proposed is the deployment of a 20 metre high lattice tower supporting 3no. radio antennas, 2no. transmission dishes and ancillary equipment, along with 3no. ground-based cabinets and ancillary development.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 20 metre high lattice tower supporting 3no. radio antennas, 2no. transmission dishes and ancillary equipment, along with 3no. ground-based cabinets and ancillary development at land at East End Road, Bradwell-on-Sea CM0 7PY, in accordance with the terms of the application Ref TELPN/MAL/22/00494, dated 31 March 2022, and the plans submitted with it including drawing numbers 100 Rev A, 200 Rev A, 300 Rev A and 400 A.

Procedural Matters

2. 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.
3. The relevant provisions of the GPDO do not require regard 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 issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and, if any harm is identified, whether it would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

5. The proposed installation would be sited within an agricultural field that fronts onto East End Road and separates two distinct built-up residential areas of the settlement. There is a wide belt of mature trees to the east of the site that separates the field from the residential properties beyond. To the west of the appeal site is a cemetery that is bordered by trees and planting. Mature trees line both sides of East End Road. These characteristics give the area of the appeal site a verdant and semi-rural character and appearance.
6. Despite the height of the proposed tower, it would be sited close to the established tall mature trees that are growing near to the appeal site. The height, density and darkness of these trees would, when in leaf, be effective in substantially screening the tower in medium to long distance views from East End Road, and from the residential properties nearby. Even when not in leaf, the density of the nearby trees would be expected to substantially filter the appearance of the proposed tower in those views. Furthermore, the lattice style of the tower would allow tree branches and the sky to be visible through it.
7. The appellant's visualisations show that the proposed tower would be visible in longer distance views from the public footpath that extends north of East End Road. In these views, the tower would be seen in a wide vista that includes several tall trees and its lattice form would allow views of the sky through the structure. As such, its visual presence would not be dominant or intrusive in these relatively long-distance views.
8. In short distance views from East End Road, the proposed tower and associated ancillary equipment would be clearly visible to road users. The proposed equipment cabinets and ancillary equipment set within a fenced compound would lead to visual clutter at ground level. The proposed tower, by reason of its height and width, would be a relatively imposing structure in these views and it would be somewhat at odds with the rural appearance of the arable field and trees.
9. However, the tower would be seen close to the nearby tall trees and against the backdrop of the sky, as well as the tall lattice style electricity pylon and wind farm turbines that stand in the far distance. In this context the proposed tower would not, despite its scale, be viewed as an isolated vertical structure in the landscape. The lattice form of the tower would mitigate its presence by allowing views of the sky through the structure and the light-coloured antenna would not contrast jarringly with its surroundings. In this regard, the lattice style tower is sympathetically designed for its context, consistent with Paragraph 115 of the Framework.
10. In these respects, the scale and appearance of the installation would cause a modest degree of harm to the established character and appearance of the area, particularly in relatively localised views from East End Road frontage, and this weighs against the proposal. As such, there would be conflict with Policies S1 and D1 of the Maldon District Approved Local Development Plan 2014 – 2029 (2017), which amongst other things, seek to ensure that development respects and enhances the character and setting of an area.
11. I am advised that the appeal proposal is part of the Government backed Share Rural Network (SRN) scheme, which is a collaboration between certain Mobile Network Operators and Government to improve 4G coverage for people living,

working and travelling in rural areas, which have little to no mobile coverage. The SRN will ensure geographic coverage from at least one operator to 95% of the UK by 2025, broadening consumer choice for a high-speed and reliable mobile broadband service in rural areas.

12. The appellant has provided network coverage plots showing an absence of coverage across an extensive area in the locality, particularly for 4G services. Several interested parties, including the Parish Council for the area, refer to the current poor telecommunications network coverage and mobile phone reception in the area.
13. The appellant has provided evidence showing the search area to achieve the required network coverage and the process of site selection for the proposed installation. Alternative options were considered and discounted from within the search area for reasons that included unsuitable existing structures and inadequate locations. Although the reasons are expressed in broad terms, the Council has not suggested alternative sites or challenged the appellant's site selection process.
14. On the evidence before me, which demonstrates there are technical constraints which determine the siting and appearance of the proposed development, I am satisfied that there are no suitable alternative sites to provide the additional network coverage and capacity requirements in this rural area.
15. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks. I have had regard to the benefits of the proposal, including how it would improve network coverage for people living, working and travelling in this rural area.
16. Consequently, I find that the proposal's public benefits of expanding electronic communications networks and delivering high quality and reliable communications infrastructure essential for economic growth and social well-being attract significant weight. These benefits outweigh the modest degree of harm to the character and appearance of the area that I have identified.

Conditions

17. Planning permission granted for the installation under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO specifies that the development must begin within 5 years of the date of the approval; be carried out in accordance with the details submitted with the application; and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

18. For the reasons given above, the appeal should be allowed and prior approval should be granted.

G Sylvester

INSPECTOR