



Appeal Decision

Site visit made on 12 September 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/Q1445/W/23/3316694

Grass verge of Staplefield Drive, Staplefield Drive, Moulsecoomb, Brighton BN2 4RZ

- 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 Hutchinson (UK) Ltd. against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/03527, dated 4 November 2022, was refused by notice dated 23 December 2022.
 - The development proposed is the installation of a 15m high slim-line monopole, supporting 6 no. antennas, 1 no. wraparound equipment cabinet at the base of the monopole, 2 no. equipment cabinets, 1 no. electric meter cabinet, and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Procedural Matter

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.

Planning Policy

3. The principle of development is established by the GPDO, and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policy CP10 of the Brighton & Hove City Council Brighton & Hove City Plan Part One dated March 2016 Plan (the City Plan) is a material consideration in so far as it relates to issues of siting and appearance. A particular objective of policy CP10 of the City Plan, insofar as it relates to proposals within the South Downs Way Ahead Nature Improvement Area (NIA) is to ensure that development delivers measurable biodiversity improvements. Similarly, the National Planning Policy Framework is also a material consideration. This includes sections on supporting high-quality communications and conserving and enhancing the natural environment.
4. Paragraph 115 of the Framework encourages the use of existing masts, buildings and other structures. For a new mast or base station, Framework

paragraph 117 guides that an application should include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area 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

6. Close to the entrance to Staplefield Drive there are relatively narrow strips of grass that separate paved footways from both sides of the adjacent carriageway. Beyond these footways are good-sized expanses of unenclosed grassland, which slope up to and are framed by mainly 2-storey residential development. Although there is various street furniture within this area, including some small and relatively low-level street signs; lights; telegraph/electric poles; and benches, as well as a fenced electrical substation, the appeal site and the publicly accessible area around it retain a pleasant open character and appearance, which contribute greatly to the quality of the area.
7. It is proposed to construct the pole and associated infrastructure close to the adjacent carriageway. I accept that the pole would be the minimum height possible to fulfil technical requirements and operate effectively. However, it would also be located towards the centre of the area of open space close to the entrance to Staplefield Drive. Parts of the development would be significantly taller than the closest houses, and as a whole, the proposed development would be afforded very little screening from nearby development, trees, or landscape features. From the surrounding public realm, the proposed development would therefore be highly prominent.
8. Whilst streetlights and telegraph/electric poles are vertical features within the area, this existing infrastructure has comparatively slim profiles and is simple in its overall design and appearance. By contrast and due to its siting; bulky design; height; lack of screening; and increased width at the upper sections, the proposed development would be significantly more visually prominent than the surrounding street furniture, and the electrical substation – which is located close to the edge of the open space. Therefore, and for the reasons given, the development would represent incongruous additions to the street scene, which would harmfully erode the openness of the area.
9. For the reasons given above the siting and appearance of the development would cause significant harm to the character and appearance of the area.

Biodiversity

10. The appeal site is within the NIA. The implementation of the development would lead to the loss of a small area of grass verge. However, in the context of the much wider NIA, and on the evidence before me, I have no basis to conclude that harm that would be caused to biodiversity in the area would be more than slight.

Alternatives

11. Broad details of a search area have been provided. However, the area outlined by the appellant within their statement is identified as indicative only.
12. I accept that the extent of the search area may be restricted by factors such as the surrounding topography. Furthermore, I have no cogent reason to doubt that the larger commercial buildings cited within the Council's Officer Report, which are on lower ground than the appeal site, would not provide the required level of coverage. However, and notwithstanding that the prevailing height of buildings within the indicative search area is fairly modest, I am unable to ascertain whether there are existing buildings upon which antenna could be erected, or that there are no existing suitable telecommunications installations for the operator to share, which would be less harmful alternatives to the development subject of this appeal. This is because the extent of the search area has not been clearly defined.
13. The overall need for the development is accepted. However, and whilst the appellant has provided some details of alternative sites, insufficient evidence has been provided to demonstrate that the use of existing buildings and structures has been sufficiently explored.

Other matters

14. In allowing the appeal related to Land at Havering College Further and Higher Education¹ the Inspector found that the equipment is governed by technical requirements. However, in that case, the Inspector also found that the siting of the mast would be more discreet and less visually jarring than the existing installation that it would replace. Given that the development subject of this appeal would not replace an existing mast, the 2 schemes are not readily comparable.
15. The proposal is permitted development and the only issues are siting and appearance. Therefore, the benefits associated with the installation, which include improvements to the level of service, coverage, and connectivity, and the upgrading to 5G, have implicitly been accepted. As such, these benefits have not been taken into account in considering the matters of siting and appearance.
16. Within paragraph 117 of the Framework, it is stated that applications for electronic communications development should be supported by evidence, including the outcome of consultations with organisations with an interest in the proposed development. However, and whilst it may be good practice to do so, it is not a requirement of paragraph A.3 of Schedule 2, Part 16, Class A, of the GPDO that an application for prior approval be accompanied by the outcome of consultation with the local planning authority.

Conclusion

17. For the above reasons, this appeal is dismissed.

V Simpson

INSPECTOR

¹ appeal reference APP/B5480/W/20/3251086