



Appeal Decision

Site visit made on 24 July 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal Ref: APP/K0235/W/23/3314732

Norse Road, Goldington, Bedford MK41 0TH

- 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 Hutchison Networks (UK) Ltd against the decision of Bedford Borough Council.
 - The application Ref 22/02026/TELPN, dated 1 September 2022, was refused by notice dated 26 October 2022.
 - The development proposed is 15.0m Phase 9 slimline Monopole and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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 provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require that regard be had to the development plan. Nevertheless, I have had regard to Policies 29, 30 and 96 of the Bedford Borough Local Plan 2030 (2020) and to the National Planning Policy Framework 2021 (the Framework) in so far as they are a material consideration relevant to the 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 would occur, whether this is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

5. The Framework states that the number of masts and sites for such installations should be kept to a minimum and that the use of existing masts, buildings and other structures should be encouraged. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. Evidence should also be provided to demonstrate that the

applicant has explored the possibility of using existing buildings, masts or structures.

6. The Code of Practice for Wireless Network Development in England was published by the Department for Culture, Media and Sport in 2022. The role of the Code is to support the government's objective of delivering high quality wireless infrastructure whilst balancing these needs with environmental considerations. It encourages operators to mitigate visual impacts by considering simple measures, such as siting masts and cabinets within or adjacent to a group of trees and using colours that match their backdrop.
7. The appeal site comprises part of a wide grass verge separating the footpath from the road. The verge contains various vertical structures including traffic signs, traffic lights and streetlights. There is tree planting on either side of the road, beyond which lies open green space to the north and residential and commercial development to the south.
8. The monopole would be sited roughly in line with other vertical street structures in the verge. However, it would be much higher and wider than these slender and equally spaced structures and would therefore appear more visually prominent and incongruous in the streetscape.
9. The grass verges in this area, with the exception of the streetlights and smaller highway related structures, are currently open and free from clutter. Other cabinets in the area, as well as being much smaller than those proposed, are set back behind the back edge of the footway and benefit from the screening provided by the backdrop of trees and shrubs. The proposed cabinets would introduce large bulky visual clutter into the predominantly open highway verge.
10. The proposed installation, due to its siting on the open verge between the footpath and the road, as opposed to being on the verge behind the footpath against the backdrop of trees, would appear far more visually obtrusive than necessary and would result in a cluttered appearance. This would be exacerbated by the colour of the mast and the multiple large cabinets, which would fail to blend in with the backdrop of greenery, which could provide some screening and camouflage.
11. I therefore conclude that the siting and appearance of the proposal would result in unacceptable harm to the character and appearance of the area.

Other Matters

12. I am aware that the cell search areas for 5G is limited and that mast sharing is not an option in this case. However, there is no meaningful evidence before me as to the search area and why other sites have not been considered or have been discounted. The submitted information is limited to small scale plans with no explanatory key or text. The discounted sites are all located along the same stretch of highway and include no explanation as to why sites within the adjacent industrial area or group of trees have not been considered.
13. Reference has been made to various public, social and economic benefits. These are recognised by the GDPO, which grants permission for such installations, but are not relevant to my consideration of siting and appearance. Such benefits would only be balanced against the harm if it had been demonstrated that there was no other alternative.

14. It is suggested that the cabinets would be permitted development and should not be considered as a reason for refusal. However, as the cabinets are an ancillary part of the proposed development, it is reasonable to consider the effect they would have on the area. It is also suggested that the colouring of the equipment can be specified but the provisions of the GDPO do not permit me to do this, which is a matter that the appellant should have considered in designing and justifying the proposal.

Conclusion

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

R Bartlett

INSPECTOR