



Appeal Decision

Site visit made on 12 September 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/P0240/W/22/3307758

Footpath outside of 5 Sparrow Path, off Billington Road, Leighton Buzzard, Bedfordshire

- 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 (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/02773/TD, dated 6 July 2022, was refused by notice dated 18 August 2022.
 - The development proposed is a 5G telecoms installation: 15m street pole and 3 additional ancillary equipment cabinets and associated ancillary works.
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Decision

1. The appeal is dismissed.

Main Issue

2. Article 3(1) and Schedule 2, Part 16, Class A of the GPDO establish the principle of telecommunications development and require the local planning authority to assess proposed development solely on the basis of its siting and appearance, taking into account any representations received. I have assessed the appeal on this basis, having regard to the development plan and National Planning Policy Framework (the Framework) as material considerations so far as they are relevant to the matters of siting and appearance.
3. Having regard to this, and the Council's reason for refusal, the main issue in this case is the effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm is identified, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Siting and Appearance

4. Billington Road is a main arterial route into Leighton Buzzard from the A505 to the south. The appeal site is located close to the large, signalled intersection at the junction with Theedway/Kestrel Way which lends the immediate area a sense of openness. The overall character of the area is suburban, and the scale is generally low level, ranging from two-and-a-half to three storeys, with some limited four storey development on Theedway. The monopole would be located on a strip of grass verge standing between the back edge of the footpath and a post-and-rail fence, beyond which is an area of grassed open space in front of dwellings on Sparrow Path.

5. At 15m high, the monopole would exceed the height of the nearest dwellings and other buildings by considerable margins. It would also be taller and bulkier than other features such as street lights and traffic lights. The straight alignment of Billington Road at the site, and the absence of any tree cover, means that the monopole would stand as an isolated, exposed structure in the open streetscene, visible for some distance in both directions where the disparity in height with surrounding development would be clearly observed. It would therefore form an incongruous addition that would detract from the appearance of the area.
6. Moreover, the pole would stand directly in front of dwellings on Sparrow Path, where its height would create a harmful, overbearing feature that would loom above these neighbouring properties. I am aware that these views also take in the far taller transmission tower located off Theedway, but this is at a greater distance, beyond buildings on the opposite side of Billington Road and not an immediate feature of the street scene, which lessens its influence upon it. As such, I do not regard the presence of the tower as justifying the siting of the proposed monopole.
7. Street cabinets are a common part of modern street furniture, and several others already exist a short distance away. I also recognise that the cabinets, by themselves, are permitted development. However, they are only required in conjunction with the monopole and are unlikely to be installed as standalone structures. Therefore, it is reasonable to consider the cumulative effect of the equipment, which would be clustered around the proposed monopole and would add to the overall massing of structures. Their impact would be limited in long views owing to their lower height, but at close range the collective arrangement would form an intrusive feature that would detract from the open, uncluttered appearance to this part of the street in front of Sparrow Path.
8. For these reasons, I conclude that the proposal would result in harm to the character and appearance of the area. So far as they are relevant, there would be conflict with Policies HQ1 and HQ5 of the Central Bedfordshire Local Plan (July 2021), which require developments of the highest possible quality that respond positively to their context and for new mast to be sited to minimise visual intrusion; not be overly prominent or visually dominating within the street scene; and not cause an overbearing impact on neighbouring dwellings. There would also be conflict with the Framework's expectation that new masts should be sympathetically designed.

Alternative Locations

9. Paragraph 117 of the Framework advises that applications should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
10. I have had regard to the appellant's site selection process, and evidence in respect of the technical requirements for 5G antennas, including that the cell areas are smaller and the search area is necessarily defined by the need to fit the new cell into the existing network to address areas of poor or no coverage.
11. Six other options were considered and discounted, all of which relate to potential ground based installations. Brief reasons are given for each, including two due to narrow pavements, and others variously due to proximity to

existing services, a school, overhead cables, residential properties and visibility splays. However, the evidence before me is limited as to the extent to which these potential options were considered before being discounted.

12. In particular, Option D6 is discounted due to proximity to a residential use, but the separation distance would have been comparable to the chosen site. Option D5 is understandably discounted due to the presence of the overhead power lines, but it is unclear why such a constrained location was considered in the first instance and whether alternative positions nearby, outside of the path of the power lines, were considered. Nor is it clear why Options D3 and D4 were discounted for a narrow footpath when the chosen site is within the verge behind the footpath and I saw areas of verge close to these other sites.
13. Moreover, Option D2 refers only to proximity to a school. The Framework requires consultations with schools where masts are proposed to be located near them, but this does not automatically mean such a site will be unsuitable. Here, the consultation exercise did not elicit a response from the school, and as such no specific reasons for discounting the site appear to have been raised.
14. Given these considerations, I am not persuaded that these other sites are clearly unsuitable or would be more harmful in terms of visual or other impacts. Therefore, I do not find the search and assessment of alternative sites to be sufficiently robust or that the identified need for the mast could only be met at the appeal site.

Other Matters

15. I have had regard to a number of appeal decisions before me in respect of similar development. Whilst noting the considerations in each case, these relate to different sites with different contexts, and therefore I do not draw direct comparisons with this appeal, which I have considered on its own merits.

Conclusion

16. For the reasons set out, the siting and appearance of the proposal would harm the character and appearance of the area. I afford this harm significant weight.
17. The need for improved mobile connectivity and the social and economic benefits deriving from it are already acknowledged by the Framework and through the permitted development right, and so are not matters to be taken into account as the prior approval assessment is limited to matters of siting and appearance. Rather, it is the need for the mast in this particular location that may be taken into account. However, for the reasons set out, it has not been satisfactorily demonstrated that the appeal site is the least harmful alternative location for a new mast.
18. Therefore, I conclude that the need to locate the proposed infrastructure at the appeal site does not outweigh the harm to the character and appearance of the area that would be caused by its siting and appearance. Consequently, prior approval should not be given and the appeal should be dismissed.

K. Savage

INSPECTOR