

Appeal Decision

Site visit made on 26 September 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2023

Appeal Ref: APP/H1705/W/23/3317775

Oakridge Road, Basingstoke RG21 5QH

- 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) Limited against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/03389/TENO, dated 21 December 2022, was refused by notice dated 13 February 2023.
 - The development proposed is described as 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.
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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 Order), 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. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, the National Planning Policy Framework (the Framework) is a material consideration as it relates to issues of siting and appearance. Similarly, the Framework includes a section on supporting high quality communications.

Main Issue

5. The main issue is therefore 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 considering any suitable alternatives.

Reasons

Character and Appearance

6. The proposed development is in an area where trees, signage and street lighting run adjacent to the highway. A play park with mature trees beyond is situated within an open green space to one side of Oakridge Road and residential housing to the other side.
7. The proposed development would be located on a grass verge which sits between the pavement and Oakridge Road. It would be sited on the same side as the open space and would include the erection of a monopole with associated cabinets. The proposed drawings show that the top of the monopole would measure 20 metres from ground level.
8. While the mast would be of a slimline pole design and would be finished in dark green, given its location, appearance and height, the proposed development would be prominent against its backdrop and the skyline, visually competing with and distracting from the open character of the park.
9. It would be significantly taller than the existing streetlights, highway signage, and nearby buildings. While some trees are sited near the proposed development to this side of the road, the proposed drawings show the development would be taller than these trees. I find that the proposed development would therefore fail to preserve or enhance the character or appearance of the area.
10. My attention has been drawn to an appeal decision outside of the borough, ref: 3254830. From the limited evidence before me, this other site appears to be different. I say this because the Inspector, in this other appeal, found the development would be viewed against existing built form of taller height and therefore the scale of the development in this other appeal was found to not be unduly dominant.
11. This appeal before me is different as the development would be viewed against open land as well as lower scaled street lighting and signage. The other appeal turned on its own circumstances, as has my decision.
12. I therefore find that the siting and appearance of the proposed installation would have an unacceptable and significantly harmful effect on the character and appearance of the area.

Sequential Approach

13. Paragraph 117 of the Framework states, amongst other things, that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
14. The appellant states they have considered mast and site sharing and the use of existing buildings or structures. However, the appellant has provided very limited explanation as to which existing masts, buildings or structures were considered or why these were discounted. The appellant has also made no

response to the Council's suggestion that an existing mast close to the appeal site could be used for sharing.

15. The appellant has, however, provided some evidence of a sequential approach to site selection and provided some justification for discounting alternative sites. These sites have been discounted because of unsuitable / insufficient pavements and proximity of nearby properties or for other reasons.
16. Nevertheless, the information is limited and does not sufficiently demonstrate the justification for the discounting of these sites or how these effects would be worse than the appeal site.
17. On this basis, the evidence does not convincingly demonstrate that all the potentially available alternative options have been fully explored. Consequently, on the evidence before me, I find that it has not been proven that less harmful sharing opportunities or alternative sites are not available.

Balance and Conclusion

18. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology.
19. I recognise the importance of good, fast, reliable, and cost-effective communications. Moreover, there is no question that the equipment would be required to achieve the necessary standard of network coverage, or that the mast's dimensions would be the minimum possible.
20. Weight has been attached to all these matters. I have also balanced the proposal against the public benefits that would ensue, and I fully appreciate the significance of the telecommunication industry in its role to grow the economy.
21. The evidence presented together with the justifications put forward by the appellant, have all been given due regard in my assessment. However, and notwithstanding that a sequential approach has been followed, and that alternative sites have been considered and discounted, the submitted evidence in this regard is limited.
22. I am not satisfied that it adequately or conclusively demonstrates that sharing an existing building, mast or other structure is not reasonably possible or a less harmful alternative site, which would secure the same public benefits, is not available.
23. To conclude on this main issue, I find the weight I attach to the identified harm would not be outweighed by the weight I attach to the benefits of the proposal, taking into account my reasoning as set out above. Consequently, the appeal should be dismissed.

N Praine

INSPECTOR