



Appeal Decision

Site visit made on 31 October 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2023

Appeal Ref: APP/J0405/W/23/3322819

Land Off Moorfield/Drayton Road, Newton Longville, Buckinghamshire, MK17 0BN

- 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 Gallivan of CK Hutchison Networks (UK) Ltd against the decision of Buckinghamshire Council.
 - The application Ref 22/04146/ATN, dated 12 December 2022, was refused by notice dated 26 January 2023.
 - The development proposed is a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For completeness, in the banner heading above I have set out the site address as it is shown on the plans before me and from what I saw on my visit, it being off both Moorfield and Drayton Road.
3. 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 Local Planning Authorities to assess the proposed development solely based on its siting and appearance, taking into account any representations received. My determination is made on the same basis.

Planning Policy

4. Part 16 of the GPDO establishes the proposal is permitted development, so is accepted in principle by virtue of the legislation. There is no requirement to have regard to the development plan as there would be for development requiring express planning permission. Nevertheless, policies of the Vale of Aylesbury Local Plan (2021) (the LP) are material considerations as they relate to issues of siting and appearance. Policies BE1, BE2 and I6 of the LP seek to minimise visual impacts, respect and complement the characteristics of a site and its surrounds, assess the effect upon heritage assets, and conserve their setting. Similarly, the National Planning Policy Framework (2023) (the

Framework) is also a material consideration, which has sections on supporting high quality communications, character and appearance, and heritage assets.

Main Issues

5. The main issues are:

- the effect of the siting and appearance of the proposal upon the character and appearance of the area including upon the settings and significance of Grade II Listed Buildings as designated heritage assets; and,
- if any harm would occur, whether it is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

6. The appeal site is part of a wide and open grass verge along a significant length of Drayton Road. Some telegraph poles and lines run along and across Drayton Road. However, it is characterised as a verdant, wide and open thoroughfare through this part of Newton Longville. To its rear (west) it is lined by some hedgerows and gardens of dwellings comprising bungalows or dwellings where the first-floor accommodation is part integrated into the roofs. To the east of the carriageway dwellings are primarily one and two storeys.
7. A short distance northeast of the appeal site is the Grade II listed 21 Drayton Road and The Thatched House, and the Grade II listed Moor End Farmhouse and Warners Cottage are a limited distance further north. The duty under section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 to preserve the setting of listed buildings does not apply as the proposal seeks prior approval. Nevertheless, appropriate consideration should still be given to heritage policies in the Framework.
8. No 21 Drayton Road, The Thatched House and Moor End Farmhouse are of a similar vernacular style and age. They are of 17th century origin whitewashed roughcast or render over timber frame buildings, featuring various bays, with brick or rendered chimneys within the roofs or on the flanks, leaded or timber casement windows including some dormers, under steep distinctive hipped thatched roof forms. Warners Cottage is also of 17th century origin, with many similar features and proportions, but the thatched roof is replaced by a tile roof and the windows appear as more modern replacements.
9. All four listed buildings have undergone varying degrees of modification and additions from their original form. However, much of it remains and their special architectural and historic interest, and significance, derives from the architectural and historic values of their construction, forms, materials, and their evolution. They are constructed with traditional vernacular techniques and materials, and part of the historic pattern of settlement development is preserved by them, highly appreciable from significant lengths of Drayton Road. The setting of all four heritage assets includes lengths of carriageway and the verge along Drayton Road including the appeal site, with which there is clear, and for The Thatched House and No 21, close proximity intervisibility.

10. Though buildings have been developed along Drayton Road, they have retained a wide, open thoroughfare with buildings on the western side set behind the verge and being of limited height. The telegraph poles and wires post-date the heritage assets. They have some limited effect upon the setting of heritage assets and the character and appearance of the area, but are of a wooden appearance, and a limited height that is comparable to some buildings.
11. Drayton Road and the verge contributes to the setting and significance of all four listed buildings as it has been maintained as an open, verdant and inherently rural thoroughfare, along which the buildings are located, and experienced within, reflecting their rural association. The appeal site contributes to the setting as a clear and visible component of the verdant, open and largely undeveloped verge forward of surrounding later buildings.
12. Though this appeal scheme represents an amended proposal¹, the monopole would still introduce a particularly high modern man-made structure, considerably taller than the existing furniture and telegraph poles, and it would also appear wider. The monopole would also be several metres higher than the nearest residential properties. The hedgerow behind site is approximately 3 – 4m high, and more significant trees are much further rear into Moorfield. Therefore, there is very limited wider screening. The monopole would be highly prominent in the street scene, appearing as a strident, modern, imposing and dominant structure in the context of its surrounds.
13. The monopole would result in significant harm to the setting and significance of 21 Drayton Road and The Thatched Cottage and more limited harm to Warners Cottage and Moor End Farmhouse. Therefore, it would neither preserve the setting or significance of the four listed buildings. It is not demonstrated, and I am not satisfied that conditions, including in respect of the monopole colour, screening or camouflaging could adequately mitigate the harmful effects.
14. Therefore, the siting and appearance of the monopole would be harmful to the character and appearance of the area, and it would result in less than substantial harm to the settings and significance of four designated heritage assets. While not determinative, the proposal would conflict with Policies BE1, BE2 and I6 of the LP. Amongst other things, these require that proposals should be sited and designed to minimise their visual impact, respect, complement and not have a detrimental visual impact upon the character or appearance of the area, and conserve the setting of heritage assets. It would also conflict with paragraph 130 of the Framework as far as this expects decisions are sympathetic to local character and history.

Alternative sites

15. The site is in a sensitive location, which should generally be avoided. However, the appellant states there is an acute need for the mast to facilitate 5G coverage, capacity and connectivity, and cell areas are smaller because of the high frequencies used. The appellant has undertaken a sequential approach to site selection having regard to the scope for mast or site sharing, installation on a building or structure, before the erection of a new ground-based mast. Based upon this, it took the view that a new free-standing ground-based installation was most appropriate. However, the explanation of the application

¹ Previous application Ref. 22/02363/ATN.

of the sequential approach is very brief, with limited explanation of the precise search area and discounting options and areas across it.

16. The appellant states that the intended cell/target area is centred over Moorfield, but this is not what is shown on the appeal submission map² depicting the target area, or in a pre-application submission³. These show it centred much further west around discounted sites D1 and D2. Of the four sites discounted within Newton Longville, from what I saw of the location at my visit, it appears probable the pavement around D4 is likely to be too narrow for a proposal without inhibiting its use.
17. Locations D1 – D3 were discounted due the proximity to residential properties. However, from what I saw this was not significantly different to the appeal site. The locations include some wide areas of verge, landscaped surrounds, and in assessing them neither the Council or appellant has suggested they have the same degree of sensitivity with respect to designated heritage assets. D1 is also discounted due to the visibility splay, but it is not explained why, given it is around a junction with a wide grass verge and splays. Therefore, it is not adequately explained why these three other sites and areas are ruled out.
18. I acknowledge that options for siting the development are limited by technical and operational constraints. However, based upon the evidence before me I am not satisfied that, installing a visually obtrusive mast at the appeal site represents the only feasible means by which the appellant could provide the required 5G coverage in this area, and, that other more suitable alternative sites may not be reasonably available to meet the need.

Planning Balance and Conclusion

19. The height and design of the monopole is the minimum capable of providing the requisite coverage and functionality sought at this site. However, the monopole is harmful to the character and appearance of the area, and results in less than substantial harm to the setting and significance of four designated heritage assets. Noting the provisions of paragraphs 199, 200, and 202 of the Framework, the harm to the setting of designated heritage assets are matters that attract great weight that should be balanced against the public benefits of a proposal.
20. Though my attention has been drawn to the findings of an Inspector for an appeal decision⁴ in the London Borough of Southwark, it is located a long distance from the appeal site, and does not appear to adversely affect heritage assets, so it is not directly comparable to this appeal proposal. However, I acknowledge there is strong national policy support for the roll-out of high-speed digital infrastructure and the proposal would meet government objectives for digital connectivity. There is also some recognition and support for such infrastructure in Policies S5 and I6 of the LP.
21. Paragraph 114 of the Framework explains that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks, including next generation mobile technology such as 5G. There is a significant need to provide increased high speed network

² Figure 1 of Planning Appeal Statement of Case for Refusal of Application for Prior (Cell Reference: AYV21083).

³ Figures 1 and 2 of Copy of pre-consultation correspondence with Buckinghamshire Council for AYV21083.

⁴ Ref. APP/A5840/W/20/3254830.

capacity as data use grows, and to improve connectivity, access to services and inclusion. It would have a variety of economic, social, well-being, educational, environmental and sustainability benefits. The proposal is compliant with some criteria of policies of the LP and the Framework in this regard. Overall, the benefits attract significant weight in favour of the scheme.

22. I have no substantive evidence to suggest the International Commission on Non-Ionizing Radiation Protection guidelines would not be complied with. Were I to agree the siting and appearance of the proposal would not be harmful having regard to matters such as the living conditions of neighbouring occupiers, the Newton Longville Conservation Area, highway convenience and safety, distance to airports, schools, noise, and meeting the necessary requirements of biodiversity legislation and policies, these would be neutral matters.
23. Overall, the public benefits of the appeal proposal would not outweigh the identified harm to the settings and significance of No 21 Drayton Road, The Thatched House, Moor End Farmhouse, Warner's Cottage, or the harm to the character and appearance of the area. Moreover, the proposal is not supported by sufficient evidence to demonstrate why the proposal could not be more appropriately located at an alternative site.
24. On balance, the harm from the siting and appearance of the monopole outweighs the benefits of the proposal and other material considerations. Therefore, for the reasons set out above, the appeal should not succeed.

Dan Szymanski

INSPECTOR