



Appeal Decision

Site visit made on 15 December 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2024

Appeal Ref: APP/L3625/W/23/3314614

Land at Reigate Road, Reigate Road, Sidlow RH2 8QH

Ordnance Survey Grid Reference 526013:145747

- 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 Cornerstone against the decision of Reigate and Banstead Borough Council.
- The application Ref 22/01234/TED, dated 26 May 2022, was refused by notice dated 15 July 2022.

The development proposed is described as 'installation of a 25m lattice mast supporting 6 no antennas, 2 no dishes together with 2 no ground-based cabinets and ancillary development thereto within a compound formed by a palisade fence'.

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 25m lattice mast supporting 6 no antennas, 2 no dishes together with 2 no ground-based cabinets and ancillary development thereto within a compound formed by a palisade fence, at land at Reigate Road, Reigate Road, Sidlow RH2 8QH Ordnance Survey Grid Reference 526013:145747, in accordance with the terms of the application Ref 22/01234/TED, dated 26 May 2022, and the plans submitted with it including plan numbers 100A, 101A, 200A, 201A, 300A and 301A.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies DES1 and INF3 of the Reigate & Banstead Local Plan Development Management Plan 2019 (DMP) are material considerations to the extent that they encompass issues of siting and appearance. DMP Policy NHE5 is also referred to in the reason for refusal and applies to proposed development in the Green Belt, but not specifically telecommunications development. Since the

principle of the development is established by the GPDO 2015, the question of whether the proposal represents inappropriate development in the Green Belt does not arise. Therefore, while I have noted the contents of Policy NHE5, it does not have a bearing on the prior approval matters in this case.

4. The National Planning Policy Framework (the Framework) is a material consideration, and this includes a section on supporting high quality communications. A revised Framework came into force in December 2023, while this appeal was under consideration and I have taken its provisions into account, to the extent that they are relevant to matters of siting and appearance. The main parties have had the opportunity to comment on whether the December 2023 revisions to the Framework have relevance to their cases.
5. The plans indicate that a new access track is proposed. However, the description of the proposed development, as given on the application form, refers only to ancillary development within the fenced compound. The proposed access track would also be outside the application site as defined on drawing 101A. The Council considered the application on the basis that the access track would require separate consent and I have likewise considered this appeal on that basis.

Main Issues

6. The main issues are 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

Character and Appearance

7. The proposed mast would be located at one edge of a parcel of open land, beside a narrow belt of trees. It would be alongside, but set back from, the A217 Reigate Road. There are a number of detached dwellings and other buildings strung out along Reigate Road, which connects two urban areas and was busy with traffic at the time of my site visit. However, the surroundings are otherwise rural, consisting of a patchwork of small fields divided by hedgerows and small pockets of woodland.
8. The trees alongside the site vary in height, up to a maximum of 18 metres based on the details given in the application. The lattice mast framework, palisade fence and equipment cabinets would be exposed to view against the backdrop of the trees, while the top section of the 25m mast would also project well above them, exposing it to widespread view.
9. Hedgerows along Reigate Road would provide some screening at ground level, but they would do little to screen views of the upper portion of the mast, which would carry several antennas and dishes. The installation would be widely visible, and would introduce a tall, man-made structure within what is generally an open, rural landscape.
10. Other existing vertical structures include a few electricity pylons within the surrounding fields and a line of telegraph poles along Reigate Road. As such, structures supporting essential infrastructure are already part of the landscape

to some extent. There is also an existing mast opposite, which the proposal would replace. This is more effectively screened by surrounding tree cover and not as tall as the proposed installation.

11. Notwithstanding the existing vertical elements, the proposed mast would be a conspicuous and alien feature in predominantly open, rural surroundings. It would be prominent along a significant section of Reigate Road, where long, straight views are available. As such, the proposal would detract from the open, leafy environment currently experienced by road users. At the time of my site visit, I saw cyclists travelling along this route and walkers making use of the pavement alongside the site. While motorists would have a relatively transient view of the development, this would not be the case for those travelling more slowly or those entering and leaving nearby properties.
12. For the above reasons, there would be harm to the character and appearance of the area as a result of the significant height of the mast and its relatively exposed siting in an open, rural landscape. Accordingly, insofar as they are a material consideration, the proposal would be contrary to Policies DES1 and INF3 of the DMP. These policies, amongst other things, require that development should respect the character of the surrounding area and that new telecommunications apparatus should be designed sympathetically to minimise its visual impact. It would also conflict with guidance in the Framework which requires equipment on new sites to be sympathetically designed and camouflaged where appropriate.

Alternative Sites

13. The Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It therefore supports the expansion of electronic communications networks, including 5G.
14. The installation would replace the existing 15m mast on the opposite side of Reigate Road, at Fontigarry Farm. The application explains that Notice to Quit has been served, due to the landowner's planned redevelopment of that site. A replacement installation is sought within approximately 250m of the existing base station, to maintain existing coverage, particularly along the Reigate Road transport corridor.
15. Subsequent to the Council's decision and submission of this appeal, an appeal relating to the development proposals at Fontigarry Farm has been dismissed. However, I have not been presented with any evidence confirming that this means the existing mast can remain on site, given that a Notice to Quit was served. Furthermore, the proposal would enable expansion of 5G technology, which is supported in principle in the Framework. The appellant has explained that a mast of minimum 25m height is required for 5G coverage, and this has not been disputed. Therefore, there is no clear evidence that 5G services could be provided from the existing site, even if the 15m mast could be retained.
16. The application indicates that there are no realistic options for mast sharing or utilising existing structures. The Council has not provided evidence of any suitable existing structures within the search area, nor did I note any during my site visit. The appellant has ruled out sharing of the existing electricity pylons on structural, access and health and safety grounds and I have no reason to doubt that this is reasonable.

17. Several alternative sites for a new base station have been identified by the appellant, and reasons have been given why they were discounted. These include constraints preventing an installation on highway land, due to the limited verge widths which I observed on site. There is more space around the roundabout further south along Reigate Road, but this would be well outside the identified search area and a mast here would in any case be similarly prominent in the landscape.
18. Within the search area, any alternative sites would be within the same open, rural landscape and in most cases would be less effectively screened by existing vegetation and/or more conspicuous from nearby residential properties. In some cases, coverage would be compromised, without offering any clear advantage in visual terms.
19. Having considered the alternative sites presented, I am not persuaded that any realistic alternative options would be less harmful to the character and appearance of the area. The Council's evidence acknowledges the benefits of the proposal and does not identify any more suitable sites. Therefore, based on the evidence before me, I am satisfied that the appellant has demonstrated that the appeal site is the least harmful location available, and this weighs strongly in favour of the proposed installation.
20. Had it been proposed, soft landscaping around the site compound would have been of some benefit to the appearance of the site. However, the ground level works would be reasonably well screened by the roadside hedgerows and a planting scheme would be of no benefit in terms of screening the more prominent top section of the mast in the wider landscape.
21. A dark green surface finish would potentially make the mast less conspicuous when the trees are in leaf. However, while I note that the appellant would be willing to modify the colour scheme in accordance with the Council's preference, no such amendment was made while the application was under consideration, and no mechanism is available to me to secure this modification through the appeal process.
22. In any case, the proposed grey finish would be similar to the nearby pylons and generally neutral in appearance when seen against the sky. I have accordingly given any harm arising from the absence of soft landscaping and the grey colour finish limited weight.
23. For the above reasons, I conclude that the harm I have identified to the character and appearance of the area would be outweighed by the need for the installation to be sited as proposed, taking into account the lack of any suitable alternatives.

Other Matters

24. The site is not within a Conservation Area. The proposed installation would be set back from Reigate Road, on a straight section of the highway where it would not interfere with visibility along the carriageway. As such there is no substantive evidence that any highway safety issues would arise.
25. As noted above, the principle of the development is established in the GPDO 2015, with the matters under consideration being limited to its siting and appearance. As such, concerns raised by interested parties regarding the effects of mobile telecommunications equipment more generally on ecology,

trees, energy consumption, carbon emissions, property values or television reception fall outside the scope of the matters before me. Any disruption during the construction process would be short term in nature and similar issues would arise regardless of the specific siting.

26. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conditions

27. The GPDO 2015 does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

Jane Smith

INSPECTOR