



Appeal Decision

Site visit made on 31 January 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2024

Appeal Ref: APP/M1595/W/23/3326071

Argent Street Street Works, Argent Street, Thurrock, RM17 6HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under under Article 3(1) and Schedule 2, Part 16, Class A of The Town & 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 Thurrock Borough Council.
 - The application Ref 22/01630/PNTC, dated 3 December 2022, was refused by notice dated 17 January 2023.
 - The development proposed is proposed 5G telecoms installation: H3G 15m phase 9 street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Schedule 2, Part 16, Class A 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 Council has referred to a number of development plan and national policies in its decision notice. However, the principle of development is established by the GPDO as set out above and its provisions do not require regard be had to the development plan. I have nonetheless had regard to the policies of the development plan, namely the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) 2015, and the National Planning Policy Framework (the Framework) only insofar as they are a material consideration relevant to matters of siting and appearance.
4. I acknowledge a revised Framework was published on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.
5. I note the submitted plans annotate the proposed mast as both 20m and 15m. It is clear from the application form and supporting information that the proposed installation would be 15m and I have assessed the appeal on that

basis. As I am dismissing the appeal, it is not necessary for me to address this matter further.

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 whether it would preserve the setting of the Grade II Listed White Hart Public House, 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

7. The appeal site is part of an area of paved public open space at the foot of High Street. There are modest commercial properties around the open space and it allows for views along High Street to modern community buildings. The surrounding area is quite densely developed for housing. As such, the open spaces appear prominent and distinctive in the street scene. Immediately adjacent to the site is The White Hart public house, a Grade II listed building. As a designated heritage asset, paragraph 205 of the Framework confirms that great weight should be given to its conservation.
8. Its significance, insofar as it relates to this appeal, derives from its architectural interest as an example of an 'improved' or 'reformed' public house dating from the interwar period. It is also derived from its historic interest as a conscious effort to maintain continuity of function and presence in the historic riverside community in Grays as the surrounding area has undergone substantial redevelopment. Consequently, the uninterrupted views of the White Hart make a positive contribution to the character and appearance of the area as a touchstone to the past.
9. The proposed telecommunications equipment would consist of a 15m 5G street pole mast with associated antennae and equipment sited towards the top. There would be three stand alone equipment cabins at ground level. The mast would appear considerably wider and higher than the more traditional appearing street lights on High Street and appreciably wider and higher than the more standard street lights found on Argent Street. It would be higher than the White Hart.
10. The mast and cabinets would appear as prominent features in the street scene due to the open nature of the foot of High Street and the low level of the surrounding development which contrasts with the generally taller modern development. There are few trees in the vicinity to soften the effect of the proposed mast. The proposed installation would therefore be highly visible and incongruous in views along Argent Road and High Street.
11. It would also be visually intrusive, and therefore harmful to the setting of the White Hart. This harm would be less than substantial. In such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
12. Paragraph 118 of the Framework confirms that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. This could include supporting working from home in this predominantly residential area. Planning decisions should support the expansion of electronic communications networks, including next generation

mobile technology such as the 5G network that would be supported by the proposed development. As such, the proposal would provide significant benefits through the improved coverage and capacity in the locality. While I have not taken this into account in considering matters of siting and appearance, they are nonetheless public benefits of the appeal proposal.

13. Paragraph 121 of the Framework states that applications should be 'supported by the necessary evidence to justify the proposed development' including as regards potential alternatives. The appellant has followed a sequential approach to site selection within this constrained cell search area. A number of alternative sites have been considered and subsequently discounted. This has been evidenced through a map of the cell search area and a brief commentary on why each of the alternative sites is unsuitable. For locations D1, D2 and D3, where there were residential properties to both sides of the road, I accept this is a reasonable assessment.
14. However, the reason given for discounting site D4 was visibility splay issues. There is no further elaboration on this. However, the proposed site is shown as being on the open space away from the roundabout. It is not readily apparent how the proposed installation would result in visibility concerns. As such, I am not convinced that a robust review of possible site options within the search area has been conducted. I therefore have insufficient evidence before me to be satisfied that the appeal site represents the least harmful option available in the area to meet the additional coverage and capacity requirements.

Conclusion

15. For the reasons given above, I am not satisfied that the harm to the character and appearance of the area would be outweighed by the need for the installation to be sited as proposed. Consequently, nor am I satisfied that the public benefits of the proposal would outweigh the harm I have identified to the significance of the designated heritage asset. I therefore conclude that the appeal should be dismissed.

J Downs

INSPECTOR