



Appeal Decision

Site visit made on 31 January 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2024

Appeal Ref: APP/J0405/W/23/3328233

Fairfield Lane Street Works, Fairfield Lane, Farnham Royal SL2 3BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref PL/23/0483/RM, dated 11 February 2023, was refused by notice dated 5 April 2023.
 - The development proposed is proposed 5G telecoms installation: H3G 15m 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 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. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and any related guidance and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The Government published in December 2023 a revised version of the Framework. Given the similarities with the previous Framework with regards to issues relating to matters of siting, appearance and telecommunications, I am satisfied that no party would be prejudiced by referring to the Framework in this decision.

Main Issues

5. The main issues are 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 taking into account any suitable alternatives.

Reasons

6. The appeal site lies next to the junction of Fairfield Lane and Beaconsfield Road. Beaconsfield Road is a lengthy street, and near the appeal site it is lined with trees with some detached properties set back on its western side, and open playing fields on its eastern side. Fairfield Lane is a short residential street made up of detached properties, again with roadside trees evident. Both roads have a spacious, verdant suburban character.
7. The proposal would be of functional appearance, typical of telecommunications equipment seen in urban and suburban areas generally. The monopole would be sited on a grassed area next to junction. There are a number of adjacent trees, and notably, two existing similar monopole structures.
8. Whilst I recognise the height is required to clear surrounding clutter and achieve the appellant's operational requirements, the proposed monopole would be significantly taller than the nearby dwellings, surrounding trees and street furniture, and whilst a slimline design, it would also have thicker elements at its top, drawing attention to its height.
9. The appeal site is not located within a Conservation Area nor subject to any environmental designations. However, given its proximity to the two existing monopoles, views from both directions along Beaconsfield Road at this point would include three prominent, unscreened, tall structures. The views of the structures would be available from some distance given their height and the straight nature of the road. This utilitarian visual clutter would detract from the otherwise verdant and spacious setting and collectively, they would appear intrusive and incongruous, and dominate the surroundings. This would cause harm to the existing character of the area, and the visual impact would not be mitigated by painting the equipment and monopole grey or any other particular colour.
10. Whilst the monopole would not be sited directly in front of residential properties, I therefore find that the siting and appearance of the development would have a significant harmful visual effect on the character and appearance of the area.
11. Paragraph 121c of the Framework requires evidence that the appellant has explored the possibility of erecting antennas on an existing building, mast or other structure. The requirement for the monopole and equipment within the immediate locality is clear as shown by the lack of 5G coverage in the area.
12. There is no dispute that opportunities for sharing have been investigated and exhausted by the appellant, and that there is an urgent requirement to install additional telecommunications equipment.
13. I recognise that the appellant has ruled out a number of alternative sites close by, which are discounted due to reasons such as insufficient pavements, proximity to a school, proximity to dwelling frontages and the dense residential surroundings. Figure 1 in the appellants appeal statement shows that the appeal site is located some distance from the intended cell/target area. Whilst the wider area is residential, from what I observed, there are locations further from the existing monopoles without obvious pavement width issues, next to grass verges or open spaces and away from dwelling frontage. I am not therefore persuaded that there is not a reasonable availability of an alternative,

less harmful location that would secure the required coverage within or close to the target area.

14. Having regard to all of the above, there is not sufficient evidence before me to definitively rule out other sites and to conclude that the proposed development needs to be sited as proposed because the appeal site is the only feasible or least-worst option. In coming to this view, I have taken into account the constrained nature of the cell search area.
15. The Framework recognises that planning decisions should support the expansion of electronic communications networks and the subsequent economic growth and social well-being arising from reliable communications infrastructure. In addition, the government aims to increase coverage and 'level up' digital connectivity, and the appellant has provided the necessary evidence to justify the proposed development. However, although I recognise the benefits of the proposal and the need for improved coverage in the locality, in this case, I have found that the siting and appearance of the proposed installation would lead to harm to the character and appearance of the area. This harm would not be outweighed by the other material considerations of the identified need for the installation, or the alternative sites put forward.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR