



Appeal Decision

Site visit made on 8 January 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2024

Appeal Ref: APP/L3625/W/23/3326690

Dean Farm, Honeycrook Lane, Redhill, Surrey RH1 5JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cellnex Connectivity Solutions Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 23/00864/TED, dated 28 April 2023, was refused by notice dated 16 June 2023.
 - The development proposed is described as a 20m high lattice mast on a new pad foundation supporting a singular headframe. The tower will be comprised of galvanised steel with the finish appearing as a light grey colour. 12 No. antennas fixed to the mast to a maximum height marginally above 20m to provide 4G coverage and capacity for four mobile network operators from the same site. The antennas will be fixed to the mast in a single headframe. The antennas themselves will be orientated to provide maximum coverage along the route of the BML. New compound measuring approximately 10m x 12m in area which will be surrounded by a 2m high welded mesh fence. Radio equipment cabinets within the proposed compound for all 4 mobile network operators, the requirement for the proposal is 16 No. in total. Each cabinet will be constructed out of steel and finished in grey and measure 1.25m³. The provision of a permanent access track from Green Lane leading onto Spencer Way measuring 3m wide comprised of compacted stone. Aircraft warning light fixed installed (medium intensity 2000 candela). The conclusion of our pre-consultation exercise with Redhill Aerodrome resulted in the requirement of an aircraft warning light to be installed. Other ancillary development thereto including RRUs, BOBs and MHAs.
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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 20m high lattice mast on a new pad foundation supporting a singular headframe, 12 No. antennas fixed to the mast, new compound measuring approximately 10m x 12m in area surrounded by a 2m high welded mesh fence, radio equipment cabinets within the proposed compound 16 No. in total, the provision of a permanent access track from Green Lane leading onto Spencer Way. Aircraft warning light fixed installed (medium intensity 2000 candela), and other ancillary development including Remote Radio Units, Break Out Box units and Mast Head Amplifier units at Dean Farm, Honeycrook Lane, Redhill, Surrey RH1 5JN, in accordance with the application ref: 23/00864/TED, dated 28 April 2023, and the plans submitted with it.

Preliminary Matters

2. The parties have agreed a revised description of development which expands the acronyms and abbreviations contained on the application form. I have used the revised wording in my formal decision.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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.
4. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle. Furthermore, there is no requirement to have regard to the development plan as there would be for development requiring planning permission. Nevertheless, Policies DES1 and INF3 of the Reigate and Banstead Local Plan Development Management Plan 2019 (DMP) are relevant insofar as they relate to issues of siting and appearance. The National Planning Policy Framework (the Framework) is also a material consideration. The Council has confirmed that reference to DMP Policy EMP2 in the Decision Notice and DMP Policy OSR1 in the delegated report was an error.
5. Although not cited in the reason for refusal, the Council, in its statement, has raised the issue of the mast's Green Belt location with reference to DMP Policy NHE5. Under Part 16 of the Order, the only issues which can be considered in respect of a prior approval application for telecommunications equipment are its siting and appearance. Accordingly, the principle of development, and such Green Belt matters, are not relevant to my determination of the appeal.
6. Since the determination of this application, the Government published a revised Framework on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, there is no requirement for me to seek further submissions on the implications of the revised Framework, for the appeal, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

7. The main issue is the effect of siting and appearance of the proposed installation on the character and appearance of the surrounding area.

Reasons

8. The proposed installation would be sited towards the boundary of an agricultural field, adjacent to the Brighton Main Line railway. The land is relatively flat. There is a short row of trees immediately adjacent to the appeal site and the railway embankment. On the opposite side of the railway line, are residential properties whose long rear gardens back onto the embankment. To the north of the appeal site are residential properties. The western side of the railway line is lined by an almost continuous mature tree belt and the opposite side of the railway line interspersed with trees and hedges. Tall trees are also located to the northern and southern field boundaries. These characteristics give the area of the appeal site a verdant and semi-rural character and appearance.

9. The proposed mast would be of a utilitarian design and of substantial height positioned close to the railway line. However, the siting and appearance of the mast would be minimised by virtue of the existing substantial trees on either side of the railway line, including a tree belt to the east of the appeal site running north-south from Greenfield Drive and Green Lane. The height and density of these trees, particularly when in leaf, would be effective in substantially screening the tower in medium to long distance views from public footpaths, cycleways and nearby from residential properties, including Copsleigh Way and Hillford Place. Even when not in leaf, the trees would substantially filter views.
10. The green colouration of the compound fencing and equipment cabinets would help assimilate these elements into their verdant surroundings. The ground level compound and lower portion of the tower would be substantially screened by vegetation, including trees, which would soften the installation's overall visual and physical presence. Furthermore, the untreated galvanised steel finish of the tower and the light grey coloured antennas and support poles would assimilate into the skyline and the lattice style of the tower and headframe would allow tree branches and the sky to be visible through it.
11. The appellant's visualisations show the proposed tower would be visible in longer distance views. The proposed tower and headframe would be visible from the opposite side of the railway line, in a vista between two properties at the bend of Woodside Way and Copsleigh Way. Here it would be seen in the context of several tall trees. Given the lattice form of the installation, the separation distance from the appeal site and the intervening landscaping the proposal would not be incongruous in such views.
12. From the public right of way at the footbridge, to the south of the appeal site, the tower would be most visible due to the elevated vista. Whilst the tower mast would exceed the height of existing vertical infrastructure in the immediate vicinity, including signals and fencing, it would be viewed in the context of the railway line. A large proportion of the mast tower would be obscured by trees and vegetation. Whilst the upper parts of the tower and the headframe would be visible, the proposed external finish and lattice design would further assist in mitigating its visual impact.
13. When viewed from the public right of way to the east of the appeal site the proposed installation would not be highly visible, as it would assimilate into its surroundings by virtue of the existing substantial tree line, even when not in leaf. I observed views from the surrounding public footpaths and cycleways to take account of a combination of vegetation, trees and buildings. Furthermore, views from users of the public rights of way would likely to be glimpses rather than dwelled upon due to the receptors being transient.
14. The development is likely to be visible from properties that form the northern boundary of the appeal site, particularly Spencer Way and Greenwood Drive. However, given the significant separation distance between the appeal site and these properties, coupled with the mature landscaping the visual presence of the proposed tower mast, headframe and antenna would not be dominant or intrusive in these relatively long-distance views.
15. Whilst there are trees within close proximity of the appeal site, I do not have substantive evidence before me to suggest that the proposal would have a

detrimental impact upon existing trees to the detriment of the character and appearance of the locality.

16. For the reasons set out above, the siting and appearance of the proposed development would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with Policies DES1, INF3 and OSR1 of the DMP insofar as they are material considerations relating to siting and appearance. The proposal would also comply with the Framework's policies for supporting high quality communications and achieving well-designed places.

Other Matters

17. Noting concerns expressed over the proximity to a local school 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.
18. It is likely that the mast would be visible from the windows of nearby properties which face towards it. However, due to the significant distance of the mast from the nearest properties, its siting and appearance would not cause unacceptable harm to the living conditions of the occupants of those properties in terms of their outlook.
19. Based on my observations I am satisfied that the compacted stone access track would be discreetly located adjacent the field boundaries and would assimilate into its surroundings. This is not a disputed matter between the parties.
20. Third parties have raised concerns regarding the impact of the proposal upon wildlife, noise and disturbance, flooding and property values. However, since these matters are not for consideration under the prior approval regime, I shall not discuss them further.
21. A number of appeal decisions have been referenced by both parties. Due to the limited evidence before me I cannot be certain of their equivalence to the appeal scheme before me. In any event, I have determined the case on its own merits.
22. I acknowledge the suggestions for suitable alternative sites within the representations, however, given I have found the proposal to be acceptable on its own merits, there is no need to consider alternative sites.

Conditions

23. The Order 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

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

R Gee

INSPECTOR