



Appeal Decision

Site visit made on 26 January 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 26 February 2024

Appeal Ref: APP/M3645/W/23/3323332

Barnfield Way Street Works, Barnfield Way, Tandridge RH8 9BD

- 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 Cignal Infrastructure UK Limited (formerly known as CK Hutchison Networks (UK) Limited) against the decision of Tandridge District Council.
 - The application Ref 2022/1643/T, dated 15 December 2022, was refused by notice dated 8 February 2023.
 - The development proposed is 5G telecoms installation: H3G 20m 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 (GDPO), 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. There is no requirement to have regard to the development plan as there would be for development requiring planning permission.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. The section of the Framework most pertinent to this appeal is unchanged, other than paragraph numbering. Therefore, it has not been necessary to consult the parties on the amended Framework.
4. The appellant's representations refer to a wraparound cabinet at the base of the proposed street pole with an additional three cabinets and indicate the proposed installation would be grey. The plans used to determine the application do not show a wraparound cabinet and indicate the proposed installation would be green. I have assessed the proposal based on the plans.

Main Issues

5. 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

6. The proposed installation would be sited within a wide grass verge, in proximity to 99 Barnfield Way (No 99). This section of road is very narrow with wide grass verges either side and several trees leading to the junction with Holland Road. Street furniture is limited to a few short lampposts and an equipment cabinet. The appeal site provides a verdant setting to the entrance of the residential estate and is suburban in character.
7. Whilst the height of the proposed street pole is the shortest required for an improved service, it would be much taller than nearby lampposts and significantly taller than No 99 which is a modestly-sized bungalow. When viewed against No 99, the proposed street pole would appear as a dominant feature due to its height.
8. Although often utilitarian in appearance, telecoms equipment is present in other residential settings. Moreover, the proposed street pole has been designed to be narrow for footpaths where limited opportunities exist to site telecoms equipment. Nonetheless, the appearance of the proposed installation would appear particularly conspicuous within the existing verdant setting.
9. The extent of the trees in proximity of the proposed installation cannot be guaranteed in perpetuity as they could be subject to pruning or removal, which would be outside of the appellant's control. Regardless, the proposed street pole would be taller than existing trees; therefore, the trees would only provide limited screening of the lower sections of the proposed street pole.
10. I note that the proposed siting is not in a conservation area, or within an area subject to a restrictive environmental designation, and no surrounding trees are subject to a Tree Preservation Order. However, this does not alter my assessment on the acceptability of the appeal proposal.
11. Regardless of whether the equipment cabinets require prior approval or not, they would be modest in scale and massing, painted green and limited in number. They would assimilate with the existing equipment cabinet and, as such, their siting and appearance would not harmfully affect the verdant nature of the area.
12. Overall, the siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the area. Whilst local plan policies are non-determinative in this instance, the proposal would be contrary to Policy CSP18 of the Tandridge District Core Strategy, October 2008 and policies DP6 and DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029, July 2014. These policies indicate that the Council will require new development to be of a high standard of design, and permission will be granted where the proposal respects and contributes to the distinctive character of the area and the siting and appearance of the proposed apparatus and structures minimises the impact on character and appearance.
13. Moreover, it would be contrary to paragraph 119 of the Framework, where it indicates that equipment should be sympathetically designed and camouflaged where appropriate.

Need for siting

14. The justification for the proposed installation is to provide new 5G coverage in the area and facilitate robust, reliable and efficient digital communications. The parties accept that the proposed siting would improve 5G coverage in the area. On the evidence before me, I consider that there is an identified need for the proposed installation to be located somewhere in the search area.
15. Paragraph 121 of the Framework advises that applications for electronic communications development should be supported by evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or structure. The appellant has indicated that, in this instance, this is not possible. Also, several alternative locations for the proposed installation have been discounted by the appellant, as they are in a residential area, the pavement is unsuitable and there are overhead cables.
16. Although the appellant has indicated that it is not possible to erect an antenna on an existing building, mast or structure and alternative locations are not suitable, limited specific evidence has been provided to substantiate their reasoning. There are commercial buildings within the search area which have not been explicitly considered within the evidence and may be a suitable alternative siting for the proposed installation.
17. Moreover, I observed all of the suggested alternative locations for the proposed installation. It is not clear why some of these sites are not preferable to the proposed siting, as they are located on roads, with wide footpaths away from overhead cables and further away from residential development than the proposed siting. In addition, the map provided shows the search area covers an urban area, with many roadside locations available.
18. In the absence of clear and persuasive evidence as to why the antenna could not be erected on an existing building or why alternative locations have been discounted, I am unable to establish that the proposed siting is the most appropriate. Overall, I am not satisfied that less harmful alternative locations do not exist. The proposal would be contrary to paragraph 121 of the Framework.

Other Matters

19. The proposed installation would be sited to the side of No 99 and there would be no windows in proximity to the proposed street pole directly facing it. For these reasons, I do not consider that the proposal would harmfully affect the living conditions of neighbouring residents, with regard to outlook.
20. Whilst I acknowledge that there are wider social and economic benefits that would arise from the proposal, the GPDO is clear that the only considerations should be the siting and appearance of the proposed installation. Therefore, these benefits have not been considered when assessing the acceptability of the appeal proposal.
21. In accordance with the Framework, I note that planning decisions should support the extension of electronic communications networks and authorities should not impose a ban on new electronic communications development or seek to prevent competition between different operations. Also, local planning authorities were encouraged to support the expansion of telecommunications

by DCMS¹ in an August 2020 letter and the Government set out its intention to be a global leader in the next generation of mobile technology within a May 2017 White Paper. Nonetheless, these factors do not alter my assessment of the acceptability of the appeal proposal.

22. The appeal decision² put before me does not set a precedent for the proposed installation. Based on the evidence provided, that decision relates to whether the proposed installation would cause excessive clutter on the footway disrupting pedestrian movements. The disruption of pedestrian movements is not a matter of dispute in this appeal, both parties accept that it would be located off the footpath. In any event, I am not familiar with all the circumstances of that case, and I am mindful that all planning decisions should be made based on their individual merits.

Conclusion

23. As the siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the area, and I am not satisfied that less harmful alternatives do not exist, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR

¹ Department for Digital, Culture, Media and Sport

² APP/A5840/W/20/3254830