



Appeal Decision

Site visit made on 20 February 2024

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/V1260/W/23/3330148

Christchurch Road, Jumpers Corner, Iford, Christchurch BH7 6SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2023-18550-QA.
 - The development proposed is the installation of a 20m monopole comprising 6 no antennas and 2 no dishes together with 3 no ground based cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and prior 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 installation of a 20m monopole comprising 6 no antennas and 2 no dishes together with 3 no ground based cabinets and ancillary development thereto at Christchurch Road, Jumpers Corner, Iford, Christchurch BH7 6SH in accordance with the application Ref 7-2023-18550-QA and the details submitted with it, including plan nos 100B (Site Location Maps); 200B (Proposed Site Plan); and 300B (Proposed Site Elevation).

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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.

Planning Policy

3. The principle of development is established by the GPDO, so is not a consideration, and the question of whether or not the proposal represents inappropriate development in the Green Belt does not arise. The provisions of Schedule 2, Part 16, Class A do not require regard to be had to the development plan. Nevertheless, Policies CS41 of the Bournemouth Local Plan Core Strategy (2012) and Policy 5.11 of the Bournemouth District Wide Local Plan (2002) are material considerations, as they relate to issues of siting and appearance. In particular, they seek to ensure all development is well-designed, and to minimise the impact of new telecommunications apparatus on

visual amenity. The National Planning Policy Framework (the Framework) is also a material consideration, and it includes a section on supporting high quality communications.

4. During the appeal, on 19 and 20 December 2023, the Government published revisions to the Framework. The revisions do not have a material bearing on the matters at dispute between the parties in this case. Consequently, I have not found it necessary, in the interests of natural justice, to seek further written comments, and neither party would be prejudiced by my consideration of the revised advice in my determination of the appeal.

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 appeal site lies on the northwestern side of the A35 road, where an open swathe of land along the River Stour separates the two built up areas of Bournemouth and Christchurch. The proposed installation would be on the rear part of a wide footpath, adjacent to an open area of grass, just beyond the last of the buildings on this side of the road. Prior approval for a 15-metre monopole in this location was dismissed on appeal in February 2022¹. The Inspector concluded that its siting and appearance would be unacceptable, and that the search for, and assessment of, alternative sites was not sufficiently robust to be certain that no more suitable sites were available. The current proposal is for a taller structure, with a slightly wider profile, and a more dispersed arrangement of cabinets around its base. There is no evidence to suggest that the character and appearance of the immediate area has changed to any significant extent since the previous appeal was determined.
7. Although the site lies beyond the built envelope of the settlement, it is adjacent to a busy road, near to a roundabout, and opposite a pub. There are streetlights on either side of the road, and traffic lights and road signs in the immediate locality. It is, therefore, strongly influenced by these urban features. Nevertheless, the monopole would be considerably taller and bulkier than any of these structures and, as it would be sited in an open location, it would be seen in isolation. In close views its entire height would be apparent, and it would be a visually dominant and intrusive feature in the street scene, resulting in considerable harm to the character and appearance of its immediate surroundings.
8. Due to the relatively straight alignment of the A35, and the predominantly two-storey scale of buildings in the area, the installation would be visible from a considerable distance. When viewed from the south, beyond the roundabout, it would be a prominent feature, rising much higher than the streetlights, buildings, or trees, and silhouetted against the sky. It would, therefore, be a prominent and incongruous feature. From this viewpoint, however, it would be seen in the context of the urban surroundings and street furniture in the

¹ Appeal Ref: APP/V1260/W/21/3279052

foreground. Consequently, it would only result in limited harm to the street scene.

9. Viewed from the north, beyond the bridge, the entire structure would be visible. Although it would be seen with a row of streetlights in closer view, it would be noticeably taller and bulkier, so would be a prominent feature against the sky. There are trees to either side of the road, which would assist in assimilating it into the street scene to some extent, and it would be seen in the context of commercial buildings beyond. Nevertheless, it would still result in some limited harm to the character and appearance of the area in these views.
10. The installation would be directly opposite the junction with Old Bridge Road. There is a bend in this road to the east, where it meets a footbridge over the River Stour. Looking back up the slope to the A35 from here, the entire monopole would be visible as a focal point on higher ground at the end of the road. It would be framed by modest two-storey houses to one side, and the trees on an area of open space on the other, so it would not be seen in a strongly urban context. Although the lower part of the monopole would be set against a backdrop of trees, the upper part would be silhouetted against the sky. Its scale and prominence would be increased due to its elevated position. It would be a dominant feature that would be incongruous in its suburban context, resulting in significant visual harm.
11. To the north of the site is an area of green open space adjacent to the River Stour. As noted in the previous appeal decision, this area has a tranquil character, in contrast to the noisy A35 corridor. Visually this area is dominated by the grassy riverbanks and mature trees, with only limited urban influences. In determining the earlier appeal, the Inspector concluded that the installation would detract from the verdant, green, and idyllic character of this area. The current proposal would be five metres higher. Viewed from the footpath through this space, the monopole and antennas would rise well above the trees that screen the road, resulting in a looming urban presence, which would be an intrusive feature in this otherwise green and natural setting. It would, therefore, result in significant harm to the character and appearance of this attractive area of semi-natural green space.
12. To summarise on this issue, the proposal would result in limited harm to the street scene in long views along the A35 corridor. However, it would result in significant harm to the character and appearance of the area in views from Old Bridge Road and the open space alongside the River Stour. I must consider whether this harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Need for installation and alternative sites

13. The installation is required to maintain 2G and 4G services, and to facilitate the rollout of 5G services to the Iford area, which lacks coverage. The need arises following the decommissioning of an antenna on the roof of 1156 Christchurch Road, approximately 800 metres to the southwest. This installation had to be removed in the interests of public safety and because of the threat of imminent damage to the host building. No structural survey has been submitted to demonstrate this. However, bearing in mind the costs associated with finding and installing a replacement, and the reduction in service to its users, I am satisfied that the operator would not have unnecessarily decommissioned the site. Furthermore, the appellant's evidence demonstrates that, to facilitate 5G

functionality, a much larger scale installation, beyond the structural capability of the building, would have been necessary. I am therefore satisfied that this location is no longer a viable alternative to provide the coverage required, and a replacement is necessary.

14. Paragraph 119 of the Framework advises that the number of telecommunications masts should be kept to a minimum, consistent with the needs of consumers, the efficient operation of the network, and the provision of reasonable capacity for future expansion. It also encourages the use of existing masts, buildings, and other structures. However, it does recognise that new sites may be required for new 5G networks. The appellant's evidence indicates that the sequential approach to site selection set out in paragraph 121 of the Framework has been followed, and that there are no opportunities for erecting antennas on existing buildings, masts, or other structures.
15. Five rooftop sites were considered, but discounted, as they were too low to deliver the required level of coverage. Comprehensive technical evidence regarding the process by which rooftop locations have been searched and discounted has not been provided. However, the area is surrounded by buildings that are of two-storey scale, many of which are domestic properties. I saw no tall buildings that appeared suitable for a telecommunications installation, and the Council has not identified any particular buildings that may be appropriate. On the evidence before me, I am satisfied that the possibility of a rooftop installation has been reasonably discounted.
16. The Council has drawn attention to the potential to share an existing ground-based telecommunications site approximately 650 metres to the northwest in Riverside Avenue. However, the appellant's evidence states that this site would not provide the required coverage, due to its distance from the areas of Iford requiring replacement network provision. It is pointed out that the effective radius of a 5G base station, in a relatively built-up suburban location such as this, is in the region of 250-500 metres. The site is almost 1km from the previous site at 1156 Christchurch Road. I am therefore persuaded that a site share in this location is not a viable option. No other existing masts have been drawn to my attention, so I am satisfied that sharing an existing facility is not feasible. Consequently, the proposal for a new mast accords with the sequential approach advocated by the Framework.
17. The appellant's evidence identifies nine alternative sites for a new mast that were considered, but discounted for various logistical or visual reasons. The Council has not suggested that any of these sites would have provided a preferable option, but has suggested that a site at 1084 Christchurch Road should also have been considered. However, the evidence indicates that permission has already been refused for a 20-metre mast in that location. The appellant's evidence indicates that a lower structure would contravene the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) in relation to public exclusion zones. I am therefore satisfied that it was logical to discount this site from the selection process.
18. The Council also suggests two other areas that should have been considered as part of the site selection process. The first of these is the railway corridor that runs roughly parallel to Christchurch Road. However, I saw that this corridor is narrow, and closely hemmed in by residential properties on both sides for most

of its length. The part of the line nearest to the required area of coverage is on a high embankment, with steep retaining slopes, so would not be a feasible location for a telecommunications mast. The second area is the open grounds of several schools to the northwest of the search area. However, this land is some distance from the intended area of coverage. Consequently, the appellant's evidence indicates that a mast here would have to be close to the southern boundary of the land. I saw that this area had a suburban character, with a high proportion of bungalows. A mast here would be a prominent and alien feature, so would not be visually preferable to the location proposed under this appeal.

19. Consequently, on the evidence before me, I am satisfied that there are no suitable and available alternative sites that would have a less harmful impact on the character and appearance of the area. I am mindful that the proposed monopole is higher than the one refused under the previous appeal. However, the current proposal is not directly comparable, as it is designed to replace services lost as a result of the forced decommissioning of an existing base station, rather than, as previously, the provision of additional infill services. The extra height is necessary to clear the surrounding trees and to connect with the next base station to the southwest at Pokesdown Station.
20. Drawing together all of the above matters, the siting and appearance of the proposal would result in significant harm to the character and appearance of the area. However, this harm must be considered against the background that the principle of development is established by the GPDO. As no more suitable alternative locations have been identified to provide the improved coverage, I conclude that the harm is outweighed by the need for the installation to be sited as proposed.

Other Matters

21. Although not raised by the Council, concerns have been identified in representations 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 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.
22. It has been suggested in representations that the installation would reduce the available width of the pavement to the detriment of free movement and highway safety. However, I saw that the footpath at this point is unusually wide, so pedestrian movements would not be restricted. I note that the Council's Highway Officer raised no objection to the scheme on this ground.
23. It is also argued that the proposal would be harmful to business interests. However, Paragraph 118 of the Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth. Consequently, it advises that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). The proposal would provide faster and more reliable connectivity to digital services, so would provide wide-ranging economic benefits to the businesses in the locality, including improved

productivity; a reduction in the need to travel; and more efficient public services.

Conditions

24. Any planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application; must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application; and must 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

25. For the reasons given above, the appeal should be allowed, and prior approval should be granted.

Nick Davies

INSPECTOR