



Appeal Decision

Site visit made on 7 February 2024

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/C3105/W/23/3322978

Area of Grass Verge, Austins Way, Station Road, Hook Norton OX15 5LQ

- 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 CK Hutchison Networks (UK) Ltd against the decision of Cherwell District Council.
 - The application Ref 22/03698/TEL56, dated 19 December 2022, was refused by notice dated 31 January 2023.
 - The development proposed is 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. In the decision notice the Council made reference to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (July 2015) and saved policies C28 and C39 of the Cherwell Local Plan (November 1996). Also, to Policies HN-CC1, HN-CC2 and HN-CC3 of the Hook Norton Neighbourhood Plan (October 2015). The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. Therefore, I have only had regard to policies of the development plan and the National Planning Policy Framework in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on:
 - the character and appearance of the area, having regard to the setting of Hook Norton Conservation Area (Conservation Area); highway safety; and the living conditions of the occupants of nearby houses with particular regard to outlook;

- 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

5. The appeal site is located alongside Station Road which is the main road into Hook Norton from the east. In the vicinity of the appeal site it is lined by a mixture of trees, other vegetation and grass verges. Together with areas of informal green space, such as at the junction of Hollybush Road and Station Road, the area forms a pleasantly verdant entrance to the village. Within the Conservation Area, the main road through the village follows a meandering route along a ridge line. Buildings are predominantly two storey, comprised of stone and highly visible from the road. This creates a traditional village feel.
6. The ground level behind the appeal site in Austins Way falls relatively steeply away. Moreover, houses in Austins Way are low rise bungalows. As such, the proposed mast would appear highly exposed in views from the bus stop opposite, the entrance to Hollybush Road, and on Station Road on leaving the village centre. Although there are trees on Station Road, they would not form a backdrop to the proposal in these views. Consequently, the proposal would appear at odds with the low rise domestic scale of surrounding buildings.
7. 5G masts necessarily have a functional appearance. Also, I note that the proposal is a resubmission. It appears that the previous scheme was for the same height as is submitted here, but with antennas of a bulkier design. Nonetheless, even with its slimmer antenna, for the reasons given the appeal proposal would appear as an intrusive feature in the street scene. Moreover, in the circumstances of this case it would be a conspicuous and harmful addition to the soft landscaped approach to the village Conservation Area. Therefore, it would harm the character and appearance of the surrounding area and the setting of the Conservation Area.

Highway Safety

8. The proposal would be located on the grass verge leaving the footpath clear and unobstructed. Similarly, it does not appear that the proposal would restrict access to the bus stop. Nevertheless, for vehicles exiting Austins Way on to Station Road, visibility of vehicles approaching on Station Road is limited. The location of the appeal proposal on one side of that junction has the potential to further constrain views of traffic approaching Hook Norton on Station Road. I note that this was a concern raised by the Highways Authority. However, visibility splays of that junction have not been provided. Therefore, I cannot be sufficiently certain that the proposal would be acceptable with respect to highway safety.
9. Furthermore, no robust evidence is before me to indicate where vehicles required for maintenance and servicing of the proposed mast would park without obstructing pavements or intruding on vehicle sight lines. Therefore, it has not been demonstrated that the proposal would be acceptable with respect to highway safety.

Living Conditions

10. The appeal site adjoins the garden of the house at 1 Austins Way. However, given the single storey nature of that house, its position on lower ground, and its orientation relative to the appeal site, any views would be oblique. Similarly, although visible from the house opposite No 1 Austins Way, from there the mast would be a peripheral feature and not so close as to appear oppressive. Therefore the proposal would not be particularly dominant in views from houses on Austins Way. Moreover, the appeal site is not sufficiently close to other houses in the vicinity so as to cause harm to occupants' living conditions.
11. Consequently, whilst the proposal would be visible from a number of properties, and notwithstanding my findings with respect to its harmful effect on the character and appearance of the area, the siting and appearance of the proposal would not harm the living conditions of the occupants of nearby houses with particular regard to outlook.

Consideration of Alternatives

12. I note the alternative locations considered by the appellant and reasons given for discounting each of those. However, given the harm I have identified in respect of the character and appearance of the area and highway safety, such alternatives must be robustly explored to determine the likelihood of there being less harmful alternatives to the appeal scheme.
13. For example, site D1 was discounted on the basis of the pavement being too narrow. Nevertheless, it is unclear why the grass verge behind the pavement in that location was not considered there. Also, in comparison to the appeal site, that site appears to be less of a focal point in the locality. Therefore, it could potentially accommodate the proposal with less harm to the character of the surroundings. Also, site D5 was discounted due to the grass verge being considered unsuitable for telecommunications equipment. Whereas there are sections of the verge which are not particularly narrow. I note the Council also considered this to be a potentially more preferable alternative to the appeal site.
14. Therefore, in the absence of more definitive evidence it appears that there may be less harmful alternative locations for the appeal scheme. Accordingly, the harm from the siting and appearance of the proposed installation on the character and appearance of the area and highway safety would not be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Other Matters

15. My attention has been drawn to an appeal decision that was allowed for a 20m high mast in Walworth, London. In that case the Council was concerned about excessive clutter on the footway. However, the appeal decision and details of that case are not before me. In any event, I have found that the proposal would not impinge on pedestrian accessibility here.
16. I recognise the importance of good, fast, reliable and cost-effective communications and the support for high quality communications infrastructure within the Framework. However, such equipment should also be sympathetically designed. I note that there is an identified need for improvements to the existing telecommunications network with respect to new

5G mobile coverage. Also, that the 5G cell typically has a smaller radius area than earlier network types. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

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

Rachel Hall

INSPECTOR