



Appeal Decision

Site visit made on 9 January 2024

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

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal Ref: APP/L3625/W/23/3324000

**Redhill Bowling Club Pavilion, St. Annes Drive, Redhill, Reigate, Surrey
RH1 1AU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against 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 against the decision of Reigate and Banstead Borough Council.
 - The application Ref 23/00610/TED, dated 24 March 2023, was refused by notice dated 19 May 2023.
 - The development proposed is described as electronic communications base with 20m lattice mast with fixed antennas, radio equipment cabinets, a shared meter cabinet and associated works.
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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 electronic communications base with 20m lattice mast with fixed antennas, radio equipment cabinets, a shared meter cabinet and associated works at Redhill Bowling Club Pavilion, St. Annes Drive, Redhill, Reigate, Surrey RH1 1AU in accordance with the application ref: 23/00610/TED dated 24 March 2023, and the plans submitted with it.

Preliminary Matters

2. I have amended the original description of the location in my banner heading above to correct a typographical error.
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. Subsequent to the Council's decision on the application, the Government published a revised National Planning Policy Framework (the Framework) on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

5. As the appeal relates to a prior approval for a telecommunications development, there is no requirement to have regard to the development plan as there would be for any development requiring an application for planning permission. Nevertheless, Policies DES1, INF3 and OSR1 of the Reigate and Banstead Local Plan Development Management Plan 2019 (DMP) are material considerations insofar as they relate to issues of siting and appearance. The Framework is also a material consideration.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and if harm would be caused whether there are any preferable sites or designs available.

Reasons

7. The appeal site occupies part of the bowls club and comprises a relatively flat area of grass located next to a vehicular access. The bowls club consists of a single-storey pavilion building, bowling lawns and areas of hardstanding and parking. Immediately to the north of the appeal site is a hedge and allotments beyond. A railway line runs alongside the western boundary of the bowls club and allotments on a raised embankment, lined by mature trees. A high wooden fence, with tall, mature landscaping and trees, forms the southern boundary of the bowls club adjacent to a public footpath.
8. Although the appeal site is located within an area of relatively open land, the locality has a suburban character with dwellings and commercial properties within the vicinity of the appeal site. On St. Annes Drive is a school and residential properties. Both sides of St. Annes Drive are lined with mature trees, which restrict views into the bowls club and the allotments. To the west of the appeal site there are two-storey residential properties on Ladbroke Road with gardens and parking areas extending to the tree lined railway embankment. A public footpath and cycleway run along St. Annes Drive alongside the boundary of the allotments and this continues to the south of the bowls club leading to a footbridge over the railway line to join Ladbroke Road.
9. The proposed installation would be well-screened in wider views by mature trees and dense vegetation along the boundaries with St. Annes Road and the railway line. However, the development would be situated in an area of open space (designated as an Urban Open Space) which is devoid of any significant development, barring the single-storey bowls club. In views from within that space, including for users of the bowls club, allotments and the adjoining cycle track, the development would be prominent due to the height and width of the lattice tower. Moreover, the vertical scale would be such that the bulky headframe would be visible above the surrounding trees in some views. This would result in a degree of visual intrusion, albeit the harm would be localised due to the contained nature of the site.
10. For the reasons stated above, the proposed installation because of its height and girth, would be prominent and would cause a degree of harm to the character and appearance of the area, particularly when viewed from within the designated urban open space. It is therefore necessary to consider whether there are any alternative, preferable sites where the antennae could be located.

11. The options for siting the mast are constrained by the need to provide coverage for the target area to remedy gaps in telecommunications coverage and capacity along the Brighton to London railway line. The appellant has undertaken an alternative sites assessment and the application site is considered the most viable option. There are no existing telecommunications installations that are suitable, and have the capacity, for the operator to share. Building-mounted options are limited given the requirement to be close to the railway line and the predominant domestic scale of buildings and the unsuitable roof design of the taller flats within the locality. The Travelodge at London Road was discounted for a roof installation due to it being located too far south to provide the network coverage sought. The Redhill Railway Station car park was similarly too far south for network coverage and due to the absence of screening would have a greater visual impact than the appeal scheme.
12. No alternative sites for the antennae have been suggested by the Council or interested parties, nor has a party indicated that any of the alternative siting options investigated by the appellant would be preferable to that proposed. It is understood that the height of the mast has already been reduced from that in a previous application and no suggestions for a less prominent design have been put forward.
13. Having regard to all these matters, none of the alternative options or locations that have been drawn to my attention are obviously more preferable to that proposed by the appellant. I therefore conclude that the proposed installation would be no more intrusive than would be the case elsewhere in terms of its siting and appearance, within the technical limitations of the network. Consequently, the evidence demonstrates that the proposal is the 'least-worst' option of the alternatives put forward. Given that the principle of telecommunications equipment is accepted by the GPDO, this is a strong factor in favour of allowing the appeal.

Other Matters

14. Third parties have raised concerns including, but not limited to, the effect of the proposal upon wildlife and the living conditions of local residents during construction. However, I have no substantive evidence to demonstrate harm in relation to these matters insofar as they affect the siting of the development.
15. Whilst there are trees within the locality of the appeal site there are none within close proximity to the proposed installation. I have not seen any compelling evidence to demonstrate that the proposal would have a harmful impact upon existing trees.
16. Concern has been raised in representations about the potential effect of microwave radiation on human health, in particular with reference to the proximity of a nearby school. Paragraph 122 of the Framework says that local planning authorities, and by implication other decision makers, should not seek to set health safeguards different from the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by ICNIRP. Having regard to this national policy, and that the application is one for prior approval where only siting and appearance are for consideration, the potential effect on health is not a determining issue in this case.

17. A number of appeal decisions have been brought to my attention. Due to the limited evidence before me I cannot be certain that their circumstances are directly comparable to the appeal scheme. In any event, I have determined the case on its own merits.

Planning Balance

18. The Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and supports the expansion of electronic communications networks, including the introduction of 5G.
19. I have identified a degree of visual harm would be caused by the proposed installation particularly in the context of views from the allotments and bowls club. Wider views of the mast would be limited by the presence of existing mature landscaping that would help assimilate the proposed installation into its surroundings. I have, however, determined that the location is no more intrusive than any of the reasonable alternatives that are before me. I therefore conclude that the economic and social benefits accruing from the provision of an advanced, high quality and reliable communications network outweigh the limited visual harm that may be caused. Overall, the proposal is therefore acceptable.

Conditions

20. Any planning permission granted for development under Article 3(1) and Schedule 2, Part 16, Class A 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 no later than the expiration of 5 years beginning with the date on which prior approval was given. Also, it 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

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

R Gee

INSPECTOR