



Appeal Decision

Site visit made on 5 March 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2024

Appeal Ref: APP/K0425/W/23/3322930

Thame Road Street Works, Thame Road, Longwick HP27 9SG

- 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 CK Hutchison Networks (UK) Ltd against the decision of Buckinghamshire Council (Wycombe Area).
 - The application Ref is 22/08235/PNP16A.
 - The development proposed is described as '5G telecoms installation: H3G 15m phase 9 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 (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. The determination of this appeal has been made on this same basis.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only insofar as they are material considerations relevant to the matters of siting and appearance.

Main Issues

4. The main parties do not dispute that the appeal scheme meets the requirements of Schedule 2, Class A, Part 16 of the GPDO such that it would constitute permitted development, subject to the condition that prior approval must be sought in relation to its siting and appearance.
5. The main issues are: (i) the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the setting of the grade II listed Red Lion Public House and, (ii) if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed, taking into account any alternative sites.

Reasons

6. The proposal would be sited on an area of grassland on the northern side of Thame Road, close to its junction with Chestnut Way. The surrounding area has a spacious and verdant character, arising from the presence of grass verges, the set back of development from the northern side of Thame Road, together with the open spaces directly behind the appeal site and on the opposite side of the road.
7. Various street furniture exists nearby, including items with a vertical emphasis such as telegraph poles, signage associated with the highway and a tall hanging sign related to the Public House. However, these generally have slim profiles and are simple in their design. By contrast, the mast would be much taller and have a substantially thicker profile. As a consequence it would appear as a visually intrusive feature, heavily at odds with the established character of the area. These effects would be particularly apparent in long views from Thame Road, especially from the east where the proposal would not benefit from any significant screening from trees.
8. The proposed cabinets would also be substantial in their size and similarly utilitarian in their appearance, particularly with the proposed grey finish. Their height, bulk and positioning would result in them appearing prominent in localised views around the junction and they would appear heavily at odds with the character of the area. Together, the mast and cabinets would be in stark contrast with the character and appearance of the area, and appear as unusual and incongruous features. It is not apparent how the proposal would assimilate with its surroundings as alleged.
9. In addition, the proposal would be close to the grade II listed building of the Red Lion Public House, which abuts the southern side of Thame Road. This is a two storey building with colour washed elevations and decorative detailing around its external openings. Historic maps evidenced by third parties show the Public House formerly sat among an open and rural setting of agricultural land and sparsely located buildings, of which the appeal site formed a part.
10. When travelling along Thame Road, particularly when approaching from the east, there remains a degree of openness in views of the Public House, in particular from the open space opposite the building, which contributes positively to the appreciation of its significance. As such, the appeal site forms part of the setting of this designated heritage asset. For the reasons set out above, the mast and cabinets would detract from the open nature of the appeal site. In the absence of evidence to the contrary, they would impinge upon those views from the east, from where the significance of the building is appreciated. As such, the proposal would cause harm to the setting of the listed building.
11. While such equipment may be typical of an urban environment, I do not consider the appeal site to comprise an urban setting and, in any event, the acceptability of a proposal will depend on its site specific circumstances. I also appreciate that the mast proposed is stated to be the lowest available option to provide the required network coverage. While this may be less harmful than a taller mast, this would not provide justification for the harm which I have found.

12. The extent of the harm caused by the proposal to the significance of the heritage asset would be significant, but less than substantial for the purposes of the Framework. In accordance with paragraph 208 of the Framework, such harm should be weighed against the public benefits of the proposal. The proposal would improve the provision of a 5G network in this location, with associated benefits including faster and more reliable 5G connectivity. In turn it would contribute to economic growth in the UK, improve connectivity in society and serve potential new technologies. The public benefits arising from this particular proposal would be moderate, but they would not be sufficient to outweigh the less than substantial harm to the significance of the heritage asset, to which I must give great weight in accordance with the Framework.
13. In conclusion, the siting and appearance of the proposed development would harm the character and appearance of the area, and the setting of the nearby listed building. Insofar as it is a material consideration, the proposal would be contrary to the aims of policies CP9, CP11, DM31 and DM35 of the Wycombe District Local Plan 2019 (the LP) which together require development to be of high quality design, respond positively to its context and conserve the historic environment. There would be conflict with the Framework insofar as it expects, where new mast sites are required, equipment be sympathetically designed and camouflaged where appropriate. I do not find conflict with LP Policy DM20, since the determination of the appeal has had regard to the provisions of the Framework.

Alternative Sites

14. The appellant refers to a limited search area of which the appeal site sits at the eastern extremity. The extent of any gap in coverage and the effect of the proposal on it, has not, however, been demonstrated. This casts doubt on the need for the proposed siting and it is difficult to assess the suitability of alternative locations without evidence of the extent of coverage deficiency.
15. The appellant states that no opportunities for the proposal on existing buildings or structures, nor opportunities for site sharing, were identified and I have no strong reason to doubt this. Details of five discounted sites for the proposed development have been given and the reasons they were discounted include proximity to housing, proximity to the railway line and potential highway obstructions due to narrow footpaths and visibility at junctions and driveways. These reasons are, however, brief and unsupported by any further evidence to suggest why they would be unviable or more harmful than the appeal scheme, particularly as they would all be a greater distance from the listed building. A number of alternative locations have been suggested by third parties, however, these would appear to be outside the appellant's search area. In any event, and even if the identified need for the installation in this particular search area had been proven, I am not satisfied that less harmful alternatives have been properly explored. For these reasons I find the siting and appearance of the proposed development to be unacceptable.

Conclusion

16. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR