



Appeal Decision

Site visit made on 5 March 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/P0240/W/23/3330452

Land north of Granary Farm, Stanbridge Road, Tilsworth, Leighton Buzzard, LU7 9PW

- 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 EE Limited against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/02352/TDM.
 - The development proposed is the installation of: 1 x 20-metre-high ground based Swann Group Type A Column mast, 3 x multi-band antenna fixed to crowsnest headframe, 2 x 0.6m DIA transmission dishes fixed to crowsnest headframe, 1x GPS Node fixed to proposed antenna pole, 1 x AIRO Cabinet (600x600x2100), 1 x MK5B Link AC cabinet (1200x600x1600), 1 x 7m x 7m compound formed from 1.8m high palisade fence with 1m wide access gate and other ancillary equipment and cabling. The proposed structure will be galvanised and the ground-based equipment cabinets are to be light grey (RAL 7035).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions.
3. The provisions of the GPDO 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. The Council has referred to development plan policies in its decision notice. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. As such, I have had regard to the policies of the development plan, related guidance and the National Planning Policy Framework (the Framework) only in so far as they are material factors relevant to matters of siting and appearance.

Main Issue

5. 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 any harm is identified whether that harm would be outweighed by the need to site the installation in the location proposed.

Reasons

Character and appearance

6. The appeal site is rural, located on land identified within the Bedfordshire Council Landscape Character Assessment as Type 8A, Toddington-Hockliffe Clay Hills. The area is characterised by undulating hills, subdivided into medium-scale agricultural fields, interspersed by villages and large farmsteads. The appeal site comprises an area of land currently used for log storage to the north of Tilsworth. It is in an elevated position, near the top of the hill with some trees to the north and west and a large group to the east. A bund of land surrounds the appeal site on 3 sides, predominantly enclosing it from the surrounding fields. Within the wider landscape there are large electric pylons running along the valley floor.
7. The proposed development would include the erection of a monopole with associated equipment and a fenced compound. The monopole would measure 20 metres from ground level with a fence height of 1.8m
8. The drawings indicate that the development would be of functional design and taller than the surrounding bund and trees. Although the compound would be largely obscured from public view, the monopole would protrude substantially above the trees. Notwithstanding the existence of other large infrastructure in the wider area and the proposed colour, due to its elevated position and height, the installation would be readily visible within the wider landscape. It would form a dominant feature within long and short views and would appear incongruous against the rural character of the area.
9. I therefore find that the proposed development would cause harm to the character and appearance of the area. It would conflict with Policies EE5, HQ1 and HQ5 of the Central Bedfordshire Local Plan 2015 – 2035 (July 2021) which collectively seek to ensure that development responds positively to the surrounding context, safeguards the intrinsic character, scenic beauty and perceptual qualities of the landscape and site telecommunications equipment to minimise visual intrusion. There would also be conflict with the Framework which requires developments to respect the character of the area and telecommunications equipment to be sympathetically designed.

Alternative sites

10. The proposed installation would replace a decommissioned mast within the area, to maintain and improve network coverage. Paragraph 122 of the Framework makes clear that the need for an electronic communications system should not be questioned. However, I have found that the proposed development, through its siting and appearance, would cause harm to the character and appearance of the area. Therefore, the potential availability of suitable alternative sites is an important consideration.
11. The supporting information indicates eleven discounted alternative options for the proposed development, numbered D2-D12. The sites have been discounted

for reasons including impacts on residential dwellings, insufficient space/screening, height of the land, aesthetic concerns, and operational effectiveness. Nonetheless, the reasons provided are brief and unsupported by any further evidence to suggest why they would be more harmful than the appeal scheme or are not viable.

12. The appellant states that the target coverage area is extremely constrained and that the only viable option has been put forward. However, the Council considers that D2 and D12 are more suitable, as they are both located on lower land, closer to existing built form and benefit from natural and built screening which would reduce the effects of the proposal within the wider landscape. The appellant has not provided any further details as to why they consider these sites to be unviable. In the absence of clear and persuasive evidence as to why these alternative sites, have been discounted, I am unable to establish that the appeal scheme is the most suitable in its siting and appearance.
13. The need for this installation weighs in favour of the appeal and it appears that, following the decommissioning of the installation at Greenhill Farm, the need for additional capacity is pressing. Notwithstanding this, I am in no doubt that the proposal would be harmful to the character and appearance of the area, I am not convinced that less harmful alternatives have been properly explored and it is my overall view that the need for the installation does not in this case, outweigh the harm.

Other Matters

14. My attention has been drawn to other appeals comprising telecommunication installations. However, there are fundamental differences to the appeal proposal, including the location, landscape character and installation specification. As such, the context would differ significantly to that of the scheme before me, and so it does not lead me to a different view in this case.
15. The appellant asserts that the proposed development could be permitted development subject to the issuing of a Regulation 5 Notification in accordance with the Electronic Communications Code. Whilst I accept that there is no condition which limits the distance that a replacement mast must be within, I have not been provided with the details of the mast at Greenhill Farm, and therefore I am unable to determine if this is the case. Regardless, I have determined the appeal as submitted, on its own merits.
16. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection. In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine and there is no reason to depart from national policy in this respect.

Conclusion

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

K Allen

INSPECTOR