



Appeal Decision

Site visit made on 22 March 2024

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Appeal Ref: APP/Z0116/W/23/3332375

Barton Hill Rugby Club, Duncombe Lane, Speedwell, Bristol BS15 1NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE (UK) Ltd & Hutchison UK Ltd against the decision of Bristol City Council.
 - The application Ref 23/01410/Y, dated 28 March 2023, was refused by notice 31 May 2023.
 - The development proposed is existing rooftop installation at Strachan Henshaw Machinery to be removed and replaced with installation of 20.0m Swann Column at Barton Hill Rugby Club. Proposed installation of 20.0m Swann monopole includes 6 no. antennas, 4 no. 600Ø, 6no. Cabinets, proposed fence and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Because this is an application for prior approval the provisions of the 2015 Order (GPDO) require the local planning authority to assess the proposed development solely based on its siting and appearance, taking into account any representations received.
3. I have noted the Appellant's quotes from planning decisions relating to acceptance of the principle of the development. The rights conferred under the GPDO are only given if the necessary conditions and limitations are complied with. This includes requirements relating to prior approval and the consideration of siting and appearance. The appeal will be determined on this basis.
4. It has not been expedient to raise the reference in the Council's statement of case to the Appellant lacking an appeal statement with the parties. This appears to have resulted from a mix up on submission. In any event, the Council have submitted their own statement defending their reason for refusal. For the avoidance of doubt, the Appellant's statement of case has been considered. As the appeal is to be dismissed, no party is prejudiced by this issue.
5. The Council have provided no assessment as to whether the other limitations and conditions in the GPDO would be met by the proposal. In the absence of evidence to the contrary, and as it does not affect my overall conclusions, it is

assumed that other limitations and conditions would be met.

6. The six ground based cabinets are said by the Appellant to benefit from permitted development rights by virtue of Class A, Part 24 GPDO. As the Council have not disputed this point, and it makes no difference to my conclusions, I have assumed this to be correct.
7. There is no requirement to have regard to the development plan. Nevertheless, policies in the Bristol Core Strategy and the Site Allocations and Development Management Policies assist with forming the necessary judgement under the GPDO in so far as they relate to siting and appearance. The National Planning Policy Framework is also a material consideration and includes a section on supporting high quality communications, which I have paid regard to.

Main Issue

8. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area and, if 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

9. The site is a grassed area adjoining Barton Hill Rugby Club. The sports pitches and playing fields offer land of recreational value consistent with the Local Plan designation as Important Open Space. The recreational land has an open character, punctuated by scattered trees and sporting infrastructure (notably rugby posts and lighting columns) that results in views of the site over a short to medium distance across it within a landscaped and green context consistent with the wider recreational use.
10. Boundary features of the recreational land vary. There is a high hedge providing separation with Argyle Road, with greater openness and intervisibility between the site and Clarence Road/ Duncombe Lane. Development at the boundary with the B4465 limits the extent of views towards the recreational land and site. Beyond the recreational land the character of the surroundings is residential, with the nearby school also noteworthy. The topography slopes upwards from the B4465.
11. The proposal would be sited in an exposed location and be extensively seen from within the recreational land. Whilst it may be on private land, the location of the site beyond the existing fencing that contains the car park and clubhouse creates a strong visual relationship with the recreation land and contributes to the sense of openness which the siting of the proposal would reduce by introducing development with associated fencing.
11. The proposal would be utilitarian in appearance and an unattractive feature in this exposed location. It would contrast starkly with the greenery of the recreation ground and reduce the value and utility of the space as an area of land for recreational enjoyment, causing harm to both its appearance and function. The degree of harm as seen from within the recreation ground would be significant.

12. The relative heights and locations of other vertical features drawn to my attention are not set out, including where such features would sit in the sloping topography. Nevertheless, rugby posts, lighting columns, and other such items are compatible and expected features within a recreation ground context as they support the core purpose of the land. Even if the lighting columns for the pitches are accepted as being of a similar height and slenderness in terms of pole, the inclusion of antenna and other equipment at the top of the proposal would result in development of a different thickness and appearance that cannot be fairly compared to the lighting columns.
13. Beyond the recreation ground, the proposal would be seen from surrounding residential streets. The appearance from many parts of Duncombe Lane would be screened by the rugby club building and fencing, as well as natural bunding at the boundary with the recreation land. Views from Clarence Road vary depending on location, with screening provided by the topography and built and natural features for much of it. In the case of Argyle Road, the hedging at the boundary with the recreation ground would reduce visibility and therefore provide significant screening. Views from the B4465 would be from distance and significantly obstructed by existing development.
14. Concluding on views from the residential streets mentioned by the Council, Clarence Road and Duncombe Lane gives rise to greatest visibility due to their openness with the recreation ground and, more broadly, the proposal would be widely visible in the local area. However, many of the views from these locations would be broken by built and natural screening.
15. The degree of effect on residential streets arising from siting and appearance would not be as severe as experienced from within the recreation land itself and not at a level I consider to be harmful.
16. The Appellant's argument that telecommunications equipment of this nature is now commonplace and visible in all settings does not remove the need to consider the site specific effects arising from siting and appearance. Nor does the assertion that telecommunications equipment of the height proposed is now recognised within the street scene, regardless of local setting, have any evidential backing. Accepting this view would also be contrary to the requirements of the GPDO, which calls for a context specific consideration of siting and appearance.
17. The Appellant's case examples where siting and appearance has been found to be acceptable at appeal are drawn from across a wider geographical area. They turned on their own specific assessment of a proposal in context. Beyond acknowledging that positive conclusions have been reached elsewhere at appeal, there is little I can draw from the evidence provided by the Appellant. Whilst I acknowledge the decisions, they provide little practical assistance.
18. The Council's reference to Policy DM17 (Development Management Policies Plan) is noted. Limited explanation of how the term 'ancillary to the open space use' is to be interpreted. Nonetheless, in order to reach a view on siting and appearance it is not necessary to conclude on whether there is conflict with DM17, particularly as, in any event, there is no requirement to have regard to the development plan.
19. Overall, for the reasons set out, the siting and appearance of the proposal would have a harmful effect when viewed from within the recreation land.

Need and alternatives

20. The Appellant's stated need for the proposal to replace a nearby rooftop site at Strachan Henshaw where the building is undergoing refurbishment and to maintain and improve coverage for the area are noted. The Appellant's reference to the creation of a large coverage gap across the local area resulting from the loss of Strachan Henshaw is not evidenced in detail. However, for the purposes of this appeal, I have assumed that some coverage effects are a reasonable assumption.
21. I have paid regard to the Appellant's consideration of alternatives in the supplementary information document. Whilst there is no duty to consider every alternative, the Appellant has also provided no specific evidence on coverage to justify the chosen search area. As such, I cannot confirm whether the target area chosen by the Appellant is reasonable.
22. Within the chosen search area, there is limited detail relating to allow a proper examination of the reasons for discounting the alternatives have been considered. This includes the option of upgrading the existing site (D5) that is currently visible from the recreational land in the interests of avoiding the proliferation of such equipment.
23. On the evidence provided, the consideration of alternatives is not sufficiently robust. As such, I cannot conclude that there is an absence of less harmful alternatives to the proposed siting.

Conclusions

24. The effect of the siting and appearance of the proposal on the character and appearance of the area would be harmful. In light of the harm identified, I cannot conclude that there is an absence of less harmful alternatives to the proposed siting. As such, a need for the proposal that outweighs the identified harm is not established.
25. I appreciate the various public social and economic benefits of mobile communications development that the Appellant has drawn to my attention (including post Covid). However, these have not been given weight as part of my assessment of siting and appearance.
26. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

D.R. McCreery

INSPECTOR