



Appeal Decision

Site visit made on 11 March 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/P2935/W/24/3337062

Castle Morpeth Hebron Hill, Hebron Hill Farm, Morpeth NE61 3DF

- 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 CTIL against the decision of Northumberland County Council.
 - The application Ref is 23/02140/MAST.
 - The development proposed is the installation of 5m extension to existing lattice mast to accommodate 3 no. replacement antenna, and ancillary radio equipment at new support poles and the installation of 1 no. GPS Module and x 2no. new cabinets at ground level in compound along with ancillary development thereto.
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Decision

1. The appeal is allowed and prior 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 installation of 5m extension to existing lattice mast to accommodate 3 no. replacement antenna, and ancillary radio equipment at new support poles and the installation of 1 no. GPS Module and x 2no. new cabinets at ground level in compound along with ancillary development thereto at Castle Morpeth Hebron Hill, Hebron Hill Farm, Morpeth NE61 3DF, in accordance with the application 23/02140/MAST dated 9 June 2023 the details submitted with it including plan nos: 241370-00-004-ML002 Rev 2 – Location Plan, 241370-22-110-MD015 Rev 15 – Proposed Site Plan, 241370-22-160-MD015 Rev 15 – Proposed Elevation Plan, and 241370-22-161-MD015 Rev 15 – Antenna Plan.

Preliminary Matters

2. 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 require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking account of any representations received. My determination of the appeal has been made on the same basis.
3. The principle of development is established by the GPDO, and the provisions therein do not require regard to be had to the development plan. I have nevertheless had regard to the National Planning Policy Framework (the Framework), in so far as it is a material consideration relevant to matters of siting and appearance. The Framework was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issue

4. 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 would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

5. The appeal site is an existing telecommunications base station, located within open countryside. Adjacent is a wooded area protected by a Tree Preservation Order (TPO) which contains a mix of deciduous and evergreen trees and is close to the cluster of residential dwellings of Hebron Hill. Ground levels gently rise from the A1 to the west towards the appeal site.
6. The existing installation is a 24-metre-high lattice mast which presently accommodates a range of antennas, transmission dishes and equipment rooms and cabinets at ground level, all of which are within a fenced compound. The existing mast is shared by two Mobile Network Operators (MNOs).
7. This existing installation is visually prominent above the existing tree canopy and over a considerable distance from the north and west across the A1 and open fields. With views largely resulting in passing traffic on the A1, these views are passing glimpses rather than dwelt upon. The main frame is viewed against the backdrop of the TPO wooded area with the headframe, antennas and dishes are clearly visible above the canopy of the trees therein. It is also visible in intervening views from the east, with the degree of visibility dependent upon the landform, hedgerow and tree planting. The landform to the south rises towards Hebron Hill with the dwellings and TPO wooded area set behind. At this angle, the existing mast sits behind the TPO wooded area and is screened by the change in levels, existing houses and the tree belt. This TPO wooded area and houses also largely obscures views of the mast when viewed within the courtyard of the dwellings of Hebron Hill. This is supported by the appellants visualisations submitted alongside the appeal.
8. The proposed works include the removal of the existing headframe and the extension of the lattice mast by 5 metres to which 3 additional antennas, 2 transmission dishes and 6 Ericsson Radio Systems would be added. Whilst the resulting mast extension would increase the visual bulk of the installation, it would not be as harmful as the Council contend. Rather, given the overall increase in height of the mast and additional equipment would be limited and would not, in the context of the existing lattice mast, result in disproportionate increase in its overall height. Furthermore, I am satisfied that neither the additional overall height nor the added bulk of the headframe and antennae would result in greater visual impact than the existing installation, including from views from the properties within Hebron Hill.
9. Given the existing installation is already visually prominent over a considerable distance from the north, west and intervening views from the east, the additional height and bulk would not result in an additional prominence which would result in harm to the character and appearance of the area from these viewpoints.
10. The Council confirmed the TPO in May 2023, protecting the trees immediately adjacent to the mast along with those within the rear gardens of properties

within Hebron Hill and the wooded area to the west. The existing TPO wooded area plays an important role in softening views of the existing installation within the open countryside as well as screening it from the nearby homes. The trees would be retained, and no works have been identified either in their root protection area or to their canopies. The existing mast was in situ and visible against the backdrop of the trees when the TPO was made. The Council would therefore have been aware of its visibility and projection above the canopy of the trees and any effect on their amenity or value. Based on my findings above, I consider that the proposed increase would not have a harmful effect on its amenity value.

11. I am mindful of the Framework's approach to communications infrastructure, particularly the requirements of paragraphs 118, 119 and 121.
12. Paragraph 121 moreover states that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. Whilst the appellant has provided evidence to support Criterion a) and b), the Council and interested parties contend that the appellant did not consider a less harmful site. However, Criterion c) refers to other evidence that should be submitted with applications and for a new mast or base station, this includes that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structures.
13. Whilst the appellant's statement outlines evidence of site selection which was explored within the lapsed planning approval ref: 17/03815/FUL, it goes on to state that the proposal would constitute mast sharing. As such I am satisfied that the consideration of alternative sites need not go any further. The Council in its statement has remained silent on the matter. Criterion c) is clear in that it relates to the installation of a new mast or base station and as such I therefore see no reason to reach a different view to that of the appellant.
14. The scheme is for the Shared Rural Network (SRN), a government backed scheme between mobile network operators to provide telecommunications coverage in rural areas. Supporting information suggests that the proposed installation would provide 2G, 3G and 4G coverage, and capacity for two further MNOs on a single mast.
15. I have no evidence to suggest that the previous mast was removed due to it being redundant. Even if that was the case, I have determined the appeal on its own merits, based on the evidence before me.
16. I conclude that the siting and appearance of the proposed installation would not have a harmful effect on the character and appearance of the area, including the effect on the TPO wooded area and residents' views from nearby residential dwellings.
17. Furthermore, the considerations of the public benefits associated with the proposal is not required due to my findings.

Other Matters

18. Despite neighbouring occupiers raising noise as a concern in its assessment of the application, this was not a reason for refusal and there is no substantive

evidence before me to demonstrate that the proposal would result in noise pollution or that this would have harmful effects on nearby occupiers.

19. I have been referred to inconsistency within the application regarding the total number of antenna's and works to the ground-based equipment, but I am satisfied that these matters were addressed during consideration of the planning application. There is no additional substantive evidence before me, as part of the appeal, that would lead me to different conclusion regarding the effect of the proposal in respect of such matters.

Conditions

20. The GPDO does not provide any specific authority for imposing additional conditions beyond those deemed by it for development by electronic communications code operators. These specify that the development must be carried out in accordance with the details submitted with the application, that they begin within 5 years of the date of the approval, 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 should be granted.

L Clark

INSPECTOR