



Appeal Decision

Site visit made on 29 April 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2024

Appeal Ref: APP/M3645/W/23/3322976

New Farthingdale Street Works, New Farthingdale, Tandridge RH7 6RF

- 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 Tandridge District Council.
 - The application Ref is 2022/1602/T.
 - The development proposed is a 5G telecoms installation: H3G 15m phase 9 street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published in December 2023. The changes thereto are not however relevant to the areas of dispute for this appeal. Accordingly, I have not sought comments from the main parties. In addition, the principle of development is established by the above legislation and regard to the development plan is not required in the normal way. Nevertheless, I have had referred to the policies of the Tandridge Local Plan Core Strategy 2008 (CS), the Tandridge Local Plan Part 2: Detailed Policies 2014 (LP) and the Framework insofar as they are material considerations relevant to the main issue.

Main Issue

3. Paragraph A.3(4) of the aforementioned legislative provisions require, amongst other things, an assessment of a given installation solely on the basis of its siting and appearance. This has formed the main issue, with specific regard to 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

4. The appeal site is located within a predominantly residential area on a parcel of land surrounded by a looped section of New Farthingdale. The site is part of an otherwise undeveloped area of grass, which contributes positively to the open and verdant character of the area. Within the area close to the site, there are existing streetlights, telegraph poles and a small number of trees of varying

- sizes. Development in the area is typically set back from the road and two storeys in height so there is a pleasant consistency to the scale of built form.
5. The pole would be considerably taller than the surrounding built form and structures. There are other vertical elements such as streetlights and telegraph poles within the grass verge areas, however these are significantly lower than the street pole. The substantial height of the monopole would harmfully contrast with the surrounding built environment.
 6. The considerable height and position within the open area would accentuate the visual effect of the proposal. While there are trees that would limit some views, their lower height and scattered positioning would not significantly reduce its visual intrusion. Moreover, the mast would be highly visible from a distance in all directions, particularly on the approach from Hollow Lane and Beacon Hill. The proposed street pole would therefore appear as a dominant and discordant feature within the street scene, unacceptably reducing the quality of the area's openness and consistency.
 7. Insofar as they are material considerations, it would conflict with the approach of Policy CSP18 of the CS and Policies DP6 and DP7 of the LP, which collectively seek to ensure that telecommunications infrastructure minimises its visual effects and that developments more generally respond to their context and so preserve or enhance the character of the local area.
 8. The Framework supports the development of a high-quality reliable communication infrastructure as this is deemed to be essential for economic growth and social well-being. Nonetheless, it requires sites to be kept to a minimum and encourages the reuse and adaption of existing base stations. Paragraph 121 c) of the Framework expects evidence to be submitted to justify all applications. For a new mast or base station this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structures.
 9. I have no reason to dispute that new installations are required, given the constraints associated with 5G technology and that a 5G cell search area may be limited by several factors. The appellant has identified six potential alternative sites for the proposed development. While most of these have been reasonably discounted due to their proximity to residential properties or due to unsuitable pavements and visibility splay issues, there is a lack of clear and comprehensive evidence to justify why all of the potential alternative sites are not suitable. Furthermore, it is not sufficiently clear what criteria were used to identify alternative sites within the search area, including whether there might be realistic options that are less visually prominent and therefore would have less of an impact on the character and appearance of the surrounding area than the appeal proposal before me.
 10. Therefore, I cannot be satisfied that alternative sites have been comprehensively assessed or that the appeal site represents the least harmful option available in the area to meet the coverage requirements and so secure the same public benefits.

Other Matter

11. The appeal site does not lie in a Conservation Area and is not designated for its ecological or landscape value. However, I have considered the appeal with regard to the character and appearance of the area as set out above.

Conclusion

12. Paragraph 118 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The proposal would contribute to the delivery of sustainability and provide an upgrade to digital telecommunications allowing for the introduction of 5G technology to the locality, which is supported by the Department for Digital, Culture, Media and Sport.
13. However, it has not been adequately demonstrated that there are no suitable alternatives to serve this area or that the appeal site is the best available option for minimising the effect of the development. Therefore, I conclude that the harm to the character and appearance of the area caused by the siting and appearance of the proposals would not be outweighed by the need to site it in the location proposed and its associated benefits. The appeal should therefore be dismissed.

J Pearce

INSPECTOR