



Appeal Decision

Site visit made on 29 April 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/M3645/W/23/3328491

Land adjacent to Pollards Oak Crescent, Hurst Green, Oxted RH8 0JG

- 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 UK Ltd & Hutchison UK Ltd against the decision of Tandridge District Council.
 - The application Ref is 2023/651/T.
 - The development proposed is a telecommunications installation upgrade; existing EE/H3G 8.0m high replica telegraph pole to be removed and replaced with a proposed EE/H3G 18.0m high phase 7 monopole complete with wraparound cabinet and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is not for me to determine whether the ground level cabinets require prior approval as part of the appeal. In addition, 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. Further, the principle of development is established by the above mentioned legislation regard to the development plan is not required as it would normally be. Nevertheless, I have referred to the relevant policies of the Tandridge Local Plan Core Strategy 2008 (CS), the Tandridge Local Plan Part 2: Detailed Policies 2014 (LP) and the Framework only insofar as they are material considerations relevant to the main issue.

Main Issues

3. Paragraph A.3(4) of the aforementioned legislation requires, 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 adjacent to the pavement of Pollards Oak Crescent and is within a predominantly residential area where scale, height specifically,

is limited to two storeys. The site is also part of an area of grass, which contributes positively to the open and verdant character of the area along with the consistency of local scale. The junction between Pollards Oak Crescent and Pollards Oak Road is close to the site where development is focussed on the open space.

5. There are streetlights, telegraph poles and bus stop signs on either side of the road close to the site. Development in the area is typically set back from the road and two storeys in height. An existing 8-metre-high mast and several cabinets are present close to the site. The existing mast is disguised as a telegraph pole, and as such makes a neutral contribution to the character and appearance of the area.
6. The monopole would be in a prominent position. The exposed location of the site, in addition to the considerable height of the monopole would emphasise its visual intrusion. Furthermore, the monopole would be highly visible from a distance in all directions from Pollards Oak Road and Pollards Oak Crescent and would appear incongruous within its surroundings, particularly in comparison with the existing mast, which has a design and scale that blends with other structures in the area.
7. While the height of the proposed monopole would be the minimum for effective operation, the mast would be considerably taller than the surrounding built form and structures. There are other vertical elements such as streetlights and telegraph poles alongside the road within the grass verge areas, however these are slender and significantly lower than the proposed monopole. The substantial height and thickness of the monopole would therefore harmfully contrast with the surrounding built environment, reducing the quality of the area's openness and consistency of scale.
8. The siting and appearance of the proposed development would therefore result in unacceptable harm to the character and appearance of the area. Insofar as they are a material consideration, it would conflict with 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.
9. 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.
10. The proposed monopole would replace an existing mast which would support the sequential approach of new site identification and would result in no net increase in masts in the area. However, in having found the mast would harm the character and appearance of the area, it is necessary to consider whether an alternative site would provide a less intrusive visual impact.
11. The appellant explains that as the scheme is for a replacement mast, no alternative sites were considered. Furthermore, the cell search area is not

clearly defined in the Site Specific Supplementary Information. As such, it has not been substantiated that alternative sites have been explored to demonstrate the absence of a more desirable one. Whilst no other sites have been identified by the Council, the Framework requires the applicant to demonstrate how the sequential approach has been applied.

Other Matters

12. The proposal would provide social and economic benefits by upgrading digital connectivity to 5G. This would deliver faster connections, increased capacity and greater connectivity to facilitate productivity, innovation and efficiency. However, the benefits of the mast have effectively been recognised by the grant of permission under Article 3(1). The above mentioned legislation is clear that the only considerations should be the siting and appearance of the proposal.
13. The appellant has indicated that there was a lack of comments from the Council during the pre-application process. However, even if robust pre-application consultation was undertaken this is not a reason to permit unacceptable development.

Conclusion

14. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR