



Appeal Decision

Site visit made on 12 March 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2024

Appeal Ref: APP/R1038/W/23/3327418

Fanshaw Gate Lane, Holmesfield, Dronfield S18 7WA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Cornerstone Telecommunications against the decision of North East Derbyshire District Council.
 - The application Ref is 22/01184/TCN56.
 - The development proposed is removal of the existing 15m tree mast, 4 no. cabinets and associated ancillary equipment. Installation of a replacement 23.3m monopole supporting 4 no. antennas, 3 no. equipment cabinets and associated ancillary equipment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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.
3. The site lies within the Green Belt. As this appeal relates to a matter concerning prior approval, it is not necessary for me to consider the proposal in the context of the sites location within the Green Belt.

Planning Policy

4. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. 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 a material consideration 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, including the setting of the Woodthorpe Hall and Fanshaw Gate Conservation Area and the setting of the Grade II Listed Woodthorpe Hall 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

6. The appeal site lies within the open countryside at the edge of an agricultural field close to an area of trees at a high point of gently rising land from the north. It is within the Green Belt and within the setting of the Woodthorpe Hall and Fanshaw Gate Conservation Area (CA) and the setting of Woodthorpe Hall, a Grade II listed building.
7. The proposal would replace an existing tree mast with a taller monopole. This existing mast is of a similar height to the trees and is camouflaged so is assimilated into the landscape and is only visible from the very local area. Whilst the proposed monopole would be slender, the antennas attached to the top would be a bulky addition which would be higher than the surrounding trees. Due to the prominent location within the landscape this would be visually intrusive and detract from the rural surroundings.
8. The mast would be located on the edge of an area of trees, which appear to be within the CA and are visible from Woodthorpe Hall. Due to the height of the proposal above the height of the trees it would be visible from within the CA and would be an urbanising feature in a predominantly rural area. Similarly, although the topography would limit the views of the mast from some locations, it would be visible from several vantage points from the public rights of way that are in the area.
9. I find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area including the setting of the Woodthorpe Hall and Fanshaw Gate Conservation Area and the setting of the Grade II Listed Woodthorpe Hall. Insofar as they are a material consideration, it would conflict with Policies SS1, SS9, SDC3, SDC5 and SDC6 of the North East Derbyshire Local Plan (2021) which together amongst other matters seek to ensure that development is appropriate in siting, scale and appearance and has regard to the character of the area. It would also conflict with the Framework.
10. The harm to the setting of the CA and listed building would be less than substantial. Paragraph 208 of the Framework requires decision makers to weigh any less than substantial harm against the public benefits of the scheme.
11. The appellant argues that telecommunications infrastructure is necessary to provide modern and high speed communication and can therefore be considered a public benefit, particularly in urban locations and is supported by the Framework and the Government. They also consider that there would be significant economic and social benefits to the installation. I also note that the scale of the development is the minimum size required to deliver the relevant coverage.
12. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast is necessary to replace the existing shorter mast due to changes in technical requirements to provide 5G coverage and a number of

potential benefits have been set out by the appellant. These include the benefits to education, improved connectivity, business support and healthcare as well as other economic and social benefits. Whilst I accept that these are benefits to the installation of high speed digital communications infrastructure, they are general benefits and not specific to this particular site.

13. There is little evidence before me to indicate that alternative sites have been adequately assessed. I therefore do not consider that sufficient evidence has been provided to demonstrate that the alternative sites are unsuitable. For the reasons given, I cannot be certain that other suitable alternative sites have been fully and robustly considered. Accordingly, on the information before me, the need for the installation to be sited as proposed, taking into account any suitable alternatives, does not provide a clear and convincing justification for the harm which would arise to the character and appearance of the area as a result of the siting and appearance of the development.
14. These public benefits attract significant weight but do not outweigh the harm that would arise to the CA and setting of listed buildings to which attract great weight in line with the requirements of paragraph 205 of the Framework.

Other Matters

15. I have had regard to the previous appeal decisions¹ that I have been referred to. From the evidence before me the Wells appeal appears to relate to development in a more urban area and it has not been shown that the relationships with the nearby listed buildings are similar to this case. Both the London appeals relate to masts on buildings and the Hemel Hempstead appeals are for a mast on a main vehicular thoroughfare. There are therefore clear material differences between the proposal before me and the individual circumstances surrounding these appeal decisions. In addition, I have determined the appeal on the site-specific circumstances of the site.

Conclusion

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

H Senior

INSPECTOR

¹ APP/Q3305/W/18/3206555, APP/M5450/W/17/3180345, APP/A1910/C/20/3256772, APP/A1910/C/20/3256773, APP/X5210/W/20/3254104