



Appeal Decision

Site visit made on 20 May 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2024

Appeal Ref: APP/Z3635/W/23/3334047

Shepperton Road, Shepperton, TW17 0JJ

Grid Reference Easting: 506178, Gid Reference Northing: 168412

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by EE UK Ltd & Hutchison 3G UK against the decision of Spelthorne Borough Council.
 - The application Ref is 23/00958/FUL.
 - The development proposed is NTQ telecommunications installation; proposed 35.0m high FLI type T3A lattice tower and associated ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for NTQ telecommunications installation; proposed 35.0m high FLI type T3A lattice tower and associated ancillary works at Shepperton Road, Shepperton, TW17 0JJ in accordance with the terms of the application, Ref 23/00958/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
1628057_SPN074_98881_TW1032_M004 Revision D
 - 3) There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved details.
 - 4) All spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood upon completion.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2023 (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.

- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraphs 154 and 155 of the Framework. There are no exceptions that have been brought to my attention that would be relevant to this appeal.
4. Policy GB1 of the Spelthorne Borough Local Plan 2001 'saved' policies and proposals (2008) (LP) states that development will not be permitted within the Green Belt that conflicts with its openness and the purposes of including land within it. It sets out 5 uses which are considered to be appropriate to the Green Belt. The proposed development does not fall within these categories.
5. The development at Shepperton Studios is being carried out within the Green Belt. Whilst I have considered this with regard to the character and appearance of the area, it does not alter that the appeal site is within the Green Belt. Therefore, the appeal scheme falls to be considered against these policies.
6. Consequently, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework and Policy GB1 of the LP.

Openness

7. Openness has both spatial and visual dimensions. The proposed monopole would be 35m tall and the structure would be a maximum of 3m wide. It would be sited on what is currently a soft landscaped area. It would have a slender form, but it would introduce built form to this site which is currently open, resulting in harm to spatial openness.
8. The monopole would be located to the south west of the Shepperton Studios development, and this would provide some screening at the lower levels. The planted boundary alongside the Shepperton Road also provides some screening from this road. However, the land to the west and south of the appeal site is mainly open. As such the monopole would be visible in close views and in the surrounding area. Therefore, there would also be harm to visual openness.
9. Consequently, for the reasons above, overall the proposed development would be moderately harmful to the openness of the Green Belt. Therefore, it is contrary to the Framework and Policy GB1 of the LP in this regard.

Character and Appearance

10. The appeal site is on the edge of a surface level car park. It is close to the edge of the Shepperton Studios development which includes large buildings and a multi storey car park. It also adjoins open fields on the other side and there is

open land beyond Shepperton Road to the south. There are low level streetlights in the surrounding area, and a line of 35m tall electricity pylons and cables are to the west.

11. The proposed monopole would be mainly seen in the context of the large scale development which it adjoins. It would also be prominent from the nearby open land, however, this area already includes electricity pylons and as such tall infrastructure is an existing feature of this area in close proximity.
12. The proposed monopole would be an appropriate utilitarian design, would sit close to an area of large scale development and its height and bulk would be similar to other functional infrastructure nearby. Therefore, given this context the proposed development would not be visually jarring in this location and would result in a well-designed place.
13. Therefore, the proposed development would have an acceptable effect on the character and appearance of the area. As such it would be in accordance with policy EN1 of the LP which requires a high standard of design which creates attractive places, amongst other things.

Other Considerations

Alternatives

14. The proposed development is needed for MBNL who are seeking to provide 5G coverage in this area. The mast is proposed to be shared by all four Mobile Network Operators (MNOs). There has been a 27.5m high mast at Laleham Nurseries, however the appellants have a notice to quit and are therefore seeking to provide a replacement site to provide this coverage. Moreover, Paragraph 122 of the Framework establishes that local planning authorities should not question the need for an electronic communications system.
15. The target coverage area includes the Shepperton Road area, shown in the 'Map of Discounted Options'. The appellant has suggested alternative locations for the siting of the proposal. Some of these are similarly constrained to the appeal site and others further constrained, including those in proximity to a site for nature importance. They are all within the Green Belt. Therefore, there is reasonable justification for discounting these options.
16. The height proposed is required to ensure suitable coverage and to clear surrounding clutter, and this provides suitable reasoning for the height proposed. As such the lesser height which may be permitted by the GPDO would not be an alternative in this case. Consequently, I am satisfied that there are no more suitable alternatives in this search area.

Benefits

17. The Framework supports the provision of electronic communications networks, including next generation mobile technology (such as 5G). There are economic and social benefits of 5G coverage, including improved connectivity, the use of new smart devices and services and smarter, more efficient infrastructure and public services and the Framework recognises that such services are essential for economic growth and social well being.
18. Moreover, the mast would be used by the emergency services for their calls. Whilst I am not provided with detailed evidence regarding the existing

coverage, nevertheless, the benefit to health, fire and policing services would be a significant public benefit.

Green Belt Balance

19. The Government attaches great importance to Green Belts. The Framework states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Policy GB1 of the LP is inconsistent with the Framework as very special circumstances are not referred to in it. Nevertheless, having regard to both the Framework and the Development Plan I have found harm to the Green Belt due to the proposed development's inappropriateness and the loss of openness.
20. On the other hand, the proposed development would support high quality communications including for emergency services which is a significant public benefit. I have also found that the site proposed is the most suitable to provide the service required which, in this case, weighs very strongly in favour of the development. As such, considered together, even with the substantial weight I afford to the harm to the Green Belt, these amount to other considerations which clearly outweigh the totality of the harm to the Green Belt.
21. Consequently, the other considerations in this case clearly outweigh the harm identified. Looking at the case as a whole, very special circumstances exist which justify the development. As such, the proposed development is in accordance with the Framework.
22. Overall, the proposal would not accord with the development plan. However, in this case the other considerations, including the provisions of the Framework indicate that the appeal should be determined otherwise.

Conditions

23. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
24. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord.
25. The site is located in Flood Zone 2, which has a medium probability of flooding. As such conditions requiring that no land would be raised, and that building materials are removed from the site are needed in order to ensure that the development would not increase flood risk.

Conclusion

26. For the reasons given above, the appeal should be allowed.

H Miles

INSPECTOR