



Appeal Decision

Site visit made on 13 May 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2024

Appeal Ref: APP/Y2620/W/23/3330412

Riverside Farm, Riverside Road, Letheringsett, Norfolk NR25 7YE

- 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 GPDO).
 - The appeal is made by Cornerstone against the decision of North Norfolk District Council.
 - The application Ref is PA/22/2683.
 - The development proposed is described as the proposed installation of a 15m lattice mast comprising 3 no antennas together with 4 no ground-based cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the application form. Although different to that given on the decision notice and appeal form it still accurately reflects the appeal site location.
3. During the appeal, the National Planning Policy Framework (the Framework) was revised. Its content in respect of the main issue has not been materially altered. Therefore, in this instance it has not been necessary to consult the parties on the revisions to the Framework.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes'. I have accordingly referred to the Norfolk Coast AONB as the Norfolk Coast National Landscape (NCNL) in my decision.
5. The provisions of the GPDO 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.
6. The Council's evidence has referred to a number of development plan and national policies in its decision notice. However, the principle of development is established by the GPDO as set out above and its provisions do not require regard be had to the development plan. I have nonetheless had regard to the policies of the development plan, namely the North Norfolk Core Strategy (CS), along with the Framework only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issues

7. The main issues are 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

8. The appeal site is situated within an agricultural field at an elevated position close to a small area of woodland. There is very limited built form found in the immediate area albeit timber poles carrying overhead cables run across nearby fields with further open fields and areas of woodland found beyond. The small settlement of Letheringsett which is at a lower ground level than the appeal site, is located to the north-west. These characteristics give the area of the appeal site a verdant and rural character and appearance.
9. The site is located within the Glaven Valley Conservation Area (GVCA) and nearby to the Letheringsett Conservation Area (LCA). As such, I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
10. The GVCA covers a large landscape area and draws, in part, its significance from the rural setting and character of the towns and villages that lie within it. The LCA covers a much smaller area and draws its significance from its historic layout and buildings found within the settlement.
11. The appeal site is also located within the NCNL and in the North Norfolk Landscape Character Assessment River Valleys Landscape type (LCA) Supplementary Planning Document. The LCA notes that telecom masts in prominent locations, can result in significant visual intrusion on contained valley landscapes and consequent erosion of rural character.
12. The scheme would see the installation of a 15m lattice mast comprising 3 no antennas together with 4 no ground-based cabinets. They would be sited within a compound surrounded by a 1.8m high chainlinked fence. Access would be taken from Riverside Road broadly following a Public Right of Way (PROW) that runs past the appeal site.
13. Although coloured in a shade of green and smaller than a previous iteration, the proposed mast would be eminently visible to pedestrians and the occupants of nearby properties including with the GVCA and LCA. It would also be visible from some longer-range views. While the backdrop of trees would go some way towards reducing the visual effect of the mast, it would nevertheless stand significantly taller than them. Moreover, the mast would appear substantially taller and bulkier than timber posts close by.
14. Consequently, whilst the proposal would be restricted to the minimum height capable of providing the required essential coverage, it would nevertheless result in an incongruous form of development that does not assimilate into its rural surroundings. As noted above, the appeal site is located in and close to an area of high significance and with unique historic and natural environments. The development, given its size and appearance, would harmfully diminish how these historic and natural environments are experienced, including views in and out of the GVCA, LCA and NCNL.

15. In regard to the submitted ALVI¹ there is a dispute between the main parties with regard to the effect of the development when considered from viewpoint 2. Even if I were to accept this should be considered as moderate the landscape effects overall would be moderate. As such, whilst the copse of trees may reduce certain sensitive visual receptors, there are other locations, including the PROW that it would have a harmful adverse impact on where it would not be fully screened by trees.
16. Notwithstanding my findings above, the proposal would see the loss of two trees, vegetation clearance, and tree pruning, which would have a limited effect on a small area. Based on my observations and evidence, the proposal would unlikely harm other nearby trees or significantly harm biodiversity, therefore complying with the aims of Policy EN 9 North Norfolk Core Strategy.
17. The Framework requires that great weight should be given to the conservation of a heritage asset. In this case, the harm caused would be less than substantial and therefore the harm should be weighed against the public benefits of the proposal. The Framework also advises that significant weight should be placed on the need to support economic growth and productivity. It further provides that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks.
18. The appellant states that a new communications base station would provide 2G, 3G and 4G mobile connectivity to the area alongside improving the signal strength of mobile devices and improved network capacity, allowing access to online services. This would be to the benefit of the settlement of Letheringsett, surrounding agricultural and tourist businesses, and the A148 highway. Additional public benefits would arise as part of smart metering for gas and electricity supply, including monitoring and billing. The appeal scheme would also allow easier identification of local failures of these services. However, these public benefits in this case, are insufficient to outweigh the great weight to be attached to the harm I have identified to the designated heritage assets.
19. I therefore conclude that the siting and appearance of the proposed development would have an unacceptable effect on the character and appearance of the area, including the identified historic and natural environments. Insofar as they are a material consideration, the proposal would be contrary to the aims of Policies EN 1, EN 2, EN 4, EN 8 and CT 4 of the CS. These, amongst other matters, seek to avoid adverse harm to the NCNL while ensuring telecommunications schemes integrate into the surrounding area and preserve or enhance the character and appearance of designated assets. For similar reasons, it would fail to accord with the LCA and the Framework.

Alternative sites

20. The Framework advises that where new sites are required equipment should be sympathetically designed and camouflaged where appropriate. For a new mast or base station, including those under the GPDO, necessary evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be provided.

¹ Assessment of Landscape and Visual Impact prepared by entrust planning & environmental dated August 2021

21. The appellant states that a sequential approach was taken to site selection and that, following a detailed search of the area, there is no other viable or available alternative location for the proposal, including existing masts, structures or rooftops that could accommodate the development, having regard to the identified local demand and the existing gap in existing network coverage.
22. The appellant has undertaken a sequential approach to site selection to assess alternative new sites. Information in respect of 8 alternative locations that were considered and discounted as part of the appellant's site selection process has been provided.
23. On the basis of the information before me, being located close to or within a conservation area, national landscape or listed building does not mean that a site should be discounted from the outset. Furthermore, sites that require a taller mast or more screening have little explanation of why these sites have subsequently been discounted. Moreover, the level of detail as to why each of the listed sites has been discounted is generally brief.
24. Accordingly, I am not convinced that there are no other reasonable options within the entire search area. I am mindful that it would not be practical to consider every piece of the search area. However, I am not satisfied, on the basis of the information before me, that the appellant's consideration of alternative locations has suitably demonstrated that all reasonable options have been considered, which would avoid or substantially reduce the specific significant adverse effects that I have identified.

Other Matters

25. I have been directed to a number of other appeal decisions by the appellant². However, none of the appeals presented are in close proximity to the appeal site, so a comparison in terms of siting and appearance can be drawn. Moreover, each case must be considered on its individual merits.

Conclusion

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

A Hickey

INSPECTOR

² APP/X1545/W/22/3309199, APP/C3430/A/12/2172974, APP/X5990/W/21/3284041, APP/E5330/W/16/3159250, APP/Q3305/W/18/3206555, APP/M5450/W/17/3180345, APP/A1910/C/20/3256772 and APP/X5210/W/20/3254104