



Appeal Decision

Site visit made on 13 May 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/U1430/W/23/3325782

Cooden Beach Sports and Social Club, 9 Withyham Road, Cooden Beach, Bexhill-on-Sea TN39 3BD

- 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 CTIL against the decision of Rother District Council.
 - The application Ref is RR/2022/2887/TN.
 - The development proposed is the installation of replacement pole and antenna.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not include a description of development. The description of development in the heading above has therefore been taken from the Council's decision notice and from Part E of the appeal form.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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.
4. The revised National Planning Policy Framework (the Framework) was published in December 2023. However, the changes to national policy arising from it do not materially affect my consideration of the issues before me in this appeal. Accordingly, I have not sought comments from the main parties about this matter.
5. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the Order do not require regard to be had to the development plan. Nevertheless, I have had regard to the policies of the Rother Local Plan Core Strategy 2014 (CS) and the Framework only insofar as they are material considerations relevant to matters of siting and appearance.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposal 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

7. The appeal site is located within the grounds of Cooden Beach Sports and Social Club. The site is adjacent to the mesh fencing surrounding two tennis courts. The wider site is located in a primarily residential area comprising a mixture of two-storey and chalet-style dwellings set back from the roads.
8. A mature hedge forms the boundary with Withyham Road, either side of which are trees and streetlights. Within the wider site are floodlights serving the tennis courts and a row of trees. An existing 12.5metre high mast and several cabinets are also present adjacent to the tennis courts. The existing mast is painted green and is of a similar height to the nearby row of trees, with the antennae hidden behind a shroud to give the structure a pole like appearance and as such helps to assimilate the mast into its surroundings.
9. The proposal is to replace the existing mast with a 17.5m high monopole in a different position alongside the tennis courts. While the height of the proposed pole would, I am told, be the minimum for effective operation, the mast would be prominent from Withyham Road above the row of trees and would be considerably taller than the surrounding built form and structures. There are other vertical elements such as floodlights adjoining the tennis courts with streetlights and trees alongside the nearby road; however, these are slender and significantly lower than the proposed monopole. The substantial height and thickness of the pole, including the exposed antennae, would visually dominate the site and its surroundings and would harmfully contrast with the surrounding built environment, which is more domestic in scale.
10. The siting and appearance of the proposed development would therefore result in significant harm to the character and appearance of the area. Insofar as the development plan is a material consideration, the scheme would conflict with Policy EN3 of the CS, which requires proposals to contribute positively to the character of the site and surroundings.
11. 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 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.
12. The proposed pole would replace an existing mast and as such there would be no net increase in the number of masts in the area. However, the siting and appearance of the proposed mast would have a greater, and more harmful, visual impact relative to the existing mast. Since the proposed mast would be a new structure, as opposed to an addition to an existing mast, it is necessary under the provisions of Framework paragraph 121 c) to consider whether there are opportunities to use existing buildings, masts or structures. Since the appellant has not carried out this exercise, the proposal is contrary to national policy. Furthermore, since the appellant has not undertaken a search of alternative sites within an identified cell search area, I cannot be satisfied that

the proposal is the least-worse option in terms of visual impact. Consequently, the identified harm is not justified..

Other Matters

13. The proposal would provide social and economic benefits by upgrading digital connectivity to 5G whilst enhancing 2G, 3G and 4G coverage. This would deliver faster connections, increase 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 GPDO is clear that the only considerations should be the siting and appearance of the proposal.

Conclusion

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

J Pearce

INSPECTOR