



Appeal Decision

Site visit made on 12 June 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2024

Appeal Ref: APP/F2605/W/23/3327017

13 Bury Road, Thetford, Norfolk, IP24 3AP

- 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 Ltd against the decision of Breckland Council.
 - The application Ref is 3PL/2023/0416/F.
 - The development is described as a telecommunications installation. Proposed MBNL 23.55m Commscope Temp Tower on concrete blocks supplied by tower manufacturer and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application was determined, the Council have undertaken a partial review of the Breckland Local Plan 2019. This was adopted in September 2023 and now forms the adopted local plan. The update related to a single policy (Policy INF03) and not those referenced in the Council's decision notice. The policies relevant to the determination of the application remain unchanged from the 2019 version of the BLP. However, in my decision I have referred to the policies of the Breckland Local Plan 2023 (BLP).
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
4. The proposal seeks temporary planning permission retrospectively for the retention of a 23.55m high telecommunications tower. The temporary period being sought is twelve months. However, whilst the appellant refers to the proposal as an extension of planning approval for the temporary installation, I understand from the evidence before me that the tower has been in situ for a number of years. I also understand from the planning history of the site that there is no temporary planning permission in place for the site, nor has any approval previously been granted. I have considered the appeal on this basis.

Main Issue

5. The main issue of the appeal is the effect of the development on the character and appearance of the area, with particular regard to whether it preserves or enhances the character or appearance of the Thetford Conservation Area.

Reasons

6. The appeal site comprises a small parcel of land located to the rear of Searle Electrical, accessed off Star Lane, and situated close to the junction with Bury Road. The site lies adjacent to a school and opposite residential properties on both Bury Road and Star Lane. The appearance of the site is that of a fenced compound, with some low-level street furniture.
7. The surrounding area, although close to Thetford town centre, is predominantly residential in character with mostly two storey, traditional, residential dwellings. There are some three storey buildings located on the opposite side of Bury Road. However, the tallest features visible within the immediate area are some mature trees including one located on Star Lane.
8. The site is located within Thetford Conservation Area (TCA). The significance of the TCA lies in its historical and architectural interest, in particular its buildings which span from the Middle Ages to the present day. The town developed from ecclesiastical importance in the 11th and 12th centuries and then as a market town.
9. Policy INF01 of the BLP states the Council will support proposals for the provision and improvement of telecommunications infrastructure provided that the installation and any apparatus is sited and designed to avoid any unacceptable impact on visual and residential amenity, highway safety, the historic environment and the character and appearance of the area where it would be sited. It also states that development will be supported if it has been demonstrated that there are no reasonable opportunities for sharing a site, tower, or facility with existing telecommunications infrastructure in the area that would not result in a greater visual impact.
10. The tower is prominently sited and as such is viewed as an intrusive and harmful addition to the skyline that can be seen from multiple vantage points within the TCA. Whilst the immediate surroundings to the appeal site have a more commercial character, the single storey buildings which are situated between the tower and Bury Road serve to increase the prominence of the development and exacerbates its scale and visibility from Bury Road. Although I accept that there are some taller buildings and street furniture visible within the wider area, it is nevertheless a dominant and discordant feature which harms the character and appearance of the area.
11. Furthermore, I have not been presented with any details of alternative sites and therefore whilst I acknowledge that there needs to be a balance between the need for such development and visual harm to the character and appearance of the area, I am not persuaded that this is the most suitable or only location for the development.
12. 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 wellbeing.

13. Moreover, the tower 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.
14. I acknowledge that there may well be constraints on finding a suitable alternative site for the equipment, having regard to factors including nearby heritage assets and their settings. However, the temporary tower has been in situ now for a number of years and the appeal proposal which seeks a temporary permission for a further twelve-month period is not supported by any substantive evidence to demonstrate that a more permanent solution might reasonably be available and capable of accommodating the required infrastructure in the time period.
15. Consequently, I therefore find that the tower causes unacceptable harm to the character and appearance of the area and thus fails to persevere or enhance the character or appearance of the TCA. It is therefore contrary to Policies COM01, COM03 and GEN02 of the BLP which requires, amongst other things, high quality design that is sensitive to and contributes to the distinctive character of the area. It is also contrary to Policy INF01 which requires, amongst other things, that it is sited and designed to avoid any unacceptable impact on visual and residential amenity, the historic environment and the character and appearance of the area.
16. Furthermore, the development is in conflict with Policy ENV07 of the BLP which requires, amongst other things, that development conserves or where possible enhances the architectural and historic character, appearance and setting of heritage assets.

Other Matters

17. The appeal site is located in close proximity to a number of Listed Buildings, including the Grade II listed Ivy Lodge, and Grade II* Listed Fulmerston's Almshouses and Church of St Mary the Less. The significance of these buildings lies primarily in their architectural and historical interest. The Council has not raised any specific concerns in relation to the impact of the development on the setting of these listed buildings. Based on the evidence before me, I see no reason to disagree.

Planning Balance

18. The tower causes unacceptable harm to the character and appearance of the area, also causing harm to the significance of a designated heritage asset. This is in conflict with the development plan and is inconsistent with the Framework.
19. The harm caused to the significance of the designated heritage assets is less than substantial. The Framework advises that such harm should be weighed against any public benefits. It also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
20. The public benefits associated with the tower attract considerable weight. However, I have found that the siting and appearance of the proposed

installation would cause harm to the character and appearance of the surrounding area and less than substantial harm to a designated heritage asset. While options for siting the installation are limited, the evidence does not demonstrate that potentially more suitable sites and less harmful sites or solutions, within the area of requirement are not available.

21. Overall and on balance, the resultant harm from its siting and appearance are not outweighed by the need for it to be sited as proposed and the benefits the installation would provide.

Conclusion

22. For the reasons set out above, the development conflicts with the development plan taken as a whole. There are no other material considerations of sufficient weight to outweigh this conflict and indicate that a decision should be taken otherwise in accordance with the development plan. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR