



Appeal Decision

Site visit made on 12 March 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2024

Appeal Ref: APP/N0410/W/23/3329737

Love Hill Farm, Love Hill Lane, Slough SL3 6DE

- 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 DRW UK Ltd against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref is PL/22/2637/FA.
 - The development is described as "retention of existing 30m lattice tower, five 600mm antenna dishes, and associated works".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, the Government revised the National Planning Policy Framework (the Framework). Policies material to this decision have not fundamentally changed. Therefore, I have not sought the main parties' views on this.
3. The appellant submitted a Preliminary Ecological Appraisal¹ with the appeal. It did not form part of the original application. The findings and recommendations of this appraisal would not result in a development substantially different from that applied for. Given the nature of the appraisal, it would not deprive those who were entitled to be consulted on the application of the opportunity to make representations that they may have wanted to make. As such, the acceptance of this appraisal would not unfairly prejudice any party. I have therefore taken it into consideration.
4. I have removed the term retrospective from the development description as this is not an act of development.

Main Issues

5. The main issues relevant to this appeal are:
 - whether the development is inappropriate development in the Green Belt having regard to the Framework and development plan policies,
 - the effect of the development on the openness of the Green Belt and the purposes of including land in the Green Belt,
 - the effect of the development on the character of the area; and,

¹ Preliminary Ecological Appraisal – September 2022.

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

Reasons

Inappropriate development

6. Policy GB1 of the South Bucks District Local Plan adopted March 1999, consolidated 2007 and February 2011 (the Local Plan) sets out that planning permission will not be granted for development in the Green Belt unless it falls within the listed exceptions and meets the relevant criteria relating to its design; impact on the character of the Green Belt; neighbouring properties and locality; and complies with all other relevant policies in the plan.
7. The development does not meet any of the inappropriate development exceptions set out in the Framework. Consequently, I conclude that it is inappropriate development in the Green Belt. The development also conflicts with Policy GB1 of the Local Plan in respect of the protection of the Green Belt.
8. The Council also quoted Policy EP18 of the Local Plan in the reason for refusal. This Policy sets out an exception for certain types of telecommunications development within the Green Belt where the development is for a code system operator. The appellant has confirmed that the applicant is not a code operator. As such, this policy is not relevant.

Openness and purposes of including land in the Green Belt

9. The appeal site relates to a parcel of land that is located in between a residential property and the agricultural buildings at Love Hill Farm. As it is some distance from these buildings, the site has an open character. Directly opposite, on one side of the site are open fields, on the other side there is an access road which is lined by trees.
10. The installation of the tower along with its associated equipment has resulted in the introduction of built form to the appeal site. In spatial terms, the development has reduced the openness of the appeal site.
11. The ground-level equipment and cabinet are not visible from public vantage points. However, the tower is visible in close views when approaching the appeal site from Love Hill Lane. The Landscape and Visual Impact Assessment (the LVA)² demonstrates that in some views from the public footpath running south towards the site, from Love Hill Lane and an adjacent footpath, the tower is screened from view by the trees and vegetation. However, the health of these trees cannot be guaranteed throughout the life of the development to provide screening.
12. The LVA demonstrates that the tower is visible in some close views from Billet Lane and longer-range views from Langley Park. Although there would be some screening from the trees and vegetation, the tower would be visible at least in part, from vantage points a large distance away from the appeal site. Owing to its proportions and design, there would be an erosion of the visual sense of openness of the Green Belt.

² Section 7.0 and Appendix 2 of the Planning Statement July 2022

13. The development has therefore had an adverse effect on the openness of the Green Belt. However, the level of harm is moderate on account of the somewhat slender design of the tower and that it is not a solid structure.
14. One of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. Although the appeal site is near existing buildings, it is undeveloped land and does form part of the countryside. The development has therefore resulted in encroachment into the countryside. However, the level of harm is limited because of the relatively small footprint of the proposal.
15. For these reasons, I conclude that the development has caused harm to the openness of the Green Belt and conflicts with the purposes of including land in the Green Belt. Consequently, the proposal conflicts Policy GB1 of the Local Plan and with paragraphs 142 and 143 of the Framework. Amongst other things, these policies seek to protect the openness of the Green Belt and to not compromise the purpose of including land in it.

Character

16. There are limited levels of built form surrounding the appeal site. There is a notable absence of tall street furniture in the immediate area. There are views towards the open fields, trees and vegetation which collectively give the area its semi-rural character.
17. By reason of its height, the tower is markedly taller than the nearby trees and the upper element rises above their canopies. The tower has a group of antenna apertures at the top. This increases the bulk, width and massing of the tower at its highest and most visible point. The lattice appearance when combined with the height, results in the tower appearing as a discordant and unduly prominent feature which detracts from the semi-rural context.
18. Even though there are towers in the area, this does little to reduce the jarring presence of the tower, in this context. Whilst the tower is not as prominent as the other masts when viewed from Billet Lane as shown in the LVA, it adds to the cumulative impact of such structures in diminishing the semi-rural character.
19. I therefore conclude that the development causes moderate harm to the character of the area. This is because as the evidence within the LVA shows, in longer views, the height and appearance of the tower are somewhat reduced by the distance, and this mitigates the degree of harm. Nevertheless, the development conflicts with Policy EP3 of the Local Plan, which amongst other things requires development to be of a height and design which are compatible with the character of the locality in general.

Other considerations

20. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
21. Whilst other masts are nearby, these masts cannot be shared because of their lightweight structure. The tower's antenna dishes receive and transmit signals to other equipment to facilitate a communication network. The height of the tower must therefore be sufficient to ensure the transmission of the data is not

affected by obstacles or background electrical interference. The height of the tower is therefore needed for its operational requirements. As it creates a data network that links the area to the stock exchange and data centres across London and Europe, I give great weight to the economic and connectivity benefits of the proposal in line with paragraph 118 of the Framework.

22. The need for the proposal arose from the redevelopment of Slough Power Station which blocked the signal transmission to the existing mast in the area and subsequently impacted a large amount of land.
23. Notwithstanding this, the exact site locations, the availability of the sites, and the specific reasons why the sites were ruled out on routes to the north of Wood Lane have not been provided. There is therefore little information to understand the exact locations within the area that were potentially suitable, investigated, and discounted. I therefore place limited weight on the appeal site's location. The alternative site selection has not been carried out with sufficient rigour to enable me to ascertain that there are no other opportunities to erect the tower in a different location that would have also met the operational requirements of the appellant, where its impact on the Green Belt would have been less harmful.
24. A telecommunication mast in the area has previously been approved by the Council³. However, the initial approval was for a 25 meter tower, which is smaller than the tower at the appeal site. Whilst the height of this approved mast has subsequently been increased through other planning approvals⁴, I have no substantial details of the factors that were taken into account in arriving at these decisions. In any case, the appeal proposal needs to be assessed on its own merits. These previous approvals are therefore given limited weight.
25. Under permitted development rights provided by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), a mast of up to 30 metres in height could be installed by or on behalf of an electronic communications code operator. The appellant is not a code operator. I have not been provided with sufficient evidence to demonstrate that any such interest from code operators has been shown. Such development would also be likely to be the subject of a prior approval process and I cannot be certain of how this would be resolved. This therefore carries limited weight as a fallback position.

Other Matters

26. There are several designated heritage assets within the surrounding area, with the closest being Langley Park which is a Grade II registered Park and Garden. The development would not result in changes to the setting of these heritage assets.

Green Belt Balance

27. Policy EP3 of the Local Plan is consistent with the aims of the Framework in seeking to achieve well-designed and beautiful places. This policy is therefore given full weight. Policy GB1 of the Local Plan is not as broad as the exceptions listed at paragraphs 154 and 155 of the Framework and is more restrictive. It

³ Council Ref: 14/01855/FUL

⁴ Council Refs: 16/01379/FUL & PL/22/0060/FA.

is therefore not entirely consistent with the Framework and is afforded limited weight. Nonetheless, it is a material consideration, to which I have had regard. Irrespective of this, part i. of paragraph 11. d) and the provisions of footnote 7 of the Framework clarify that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the development.

28. The development is inappropriate development in the terms set out by the Framework and results in the loss of openness of the Green Belt and conflicts with the purposes of including land in the Green Belt. As required by the Framework, substantial weight is given to this harm. The development also causes moderate harm to the character of the area.
29. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
30. The proposal provides economic and connectivity benefits which are afforded great weight. However, having regard to the extent and nature of the harmful impacts of the proposal by reason of the inappropriate nature of development in the Green Belt, the adverse effects upon the openness of the Green Belt and the character of the area, and the conflict with the development plan and national policy are matters to which I afford a high level of weight. Overall, the high level of harm that would be generated by the proposal is such that the adverse impacts of granting planning permission would demonstrably outweigh the benefits, when assessed against the policies in the development plan and the Framework taken as a whole. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

31. For the reasons given above, the appeal is dismissed.

L Reid

INSPECTOR