



Appeal Decision

Site visit made on 6 August 2024

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/C1950/W/24/3339456

Welwyn Garden City Ambulance Station, Ascots Lane, Welwyn Garden City, AL7 4HL

- 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 EE (UK) Ltd and Hutchison UK Ltd against the decision of Welwyn Hatfield Council.
 - The application Ref is 6/2023/2502/PN15.
 - The development proposed is described as "Proposed telecommunications installation; Proposed MBNL 17.5m high HEL Phase 5 tower and associated ancillary works."
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of an MBNL 17.5m high HEL Phase 5 tower and associated ancillary works at Welwyn Garden City Ambulance Station, Ascots Lane, Welwyn Garden City, AL7 4HL in accordance with the terms of the application ref 6/2023/2502/PN15 and the plans submitted with it including site plan WEH098-01, site layout WEH098-02, equipment layout WEH098-03 and proposed site elevation WEH098-04.

Preliminary Matters

2. Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter, the Order) requires that telecommunications proposals be assessed solely on the basis of their siting and appearance, taking account of any representations received. I have determined this appeal on that basis.
3. The council has referred to development plan policies and the National Planning Policy Framework in its reason for refusal. However, the principle of development is established in the Order. I have therefore had regard to the policies of the development plan only insofar as they are a material consideration in relation to matters of siting and appearance.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the siting and appearance of the area; and,
 - If harm is identified, whether that harm would be outweighed by the need for the installation and the absence of suitable alternative sites.

Reasons

Siting and appearance

5. The appeal site lies on the outskirts of Welwyn Garden City, near the Queen Elizabeth II Hospital. The proposed mast and cabinets would be set back from the street and sit between the ambulance station building and the neighbouring health centre which have houses to either side along Ascots Lane.
6. At the time of my visit there was a 25 metre lattice mast in place near the appeal site. The main parties have confirmed that this is a temporary installation and was the subject of a previous appeal. In dismissing that appeal my colleague found it to be a prominent and highly visible structure seen above all other features from numerous vantage points. I agree with their finding in this regard. For the sake of clarity the lattice mast does not benefit from any permission, and its presence or removal is not a factor in my determination of this appeal. However, its size and siting have informed my assessment of the appeal proposal.
7. The proposed mast due to its height would be visible from Ascot Way, projecting above the buildings. It would be seen in the context of the surrounding trees which would provide some screening of the mast when in leaf. It would nevertheless be the tallest structure in the immediate vicinity. As a telecommunications installation of functional appearance, it would contrast with the surrounding trees. The height and appearance of the mast would therefore make it prominently visible in views from the surrounding area.
8. The appeal proposal would, as a result, cause some harm to the character and appearance of the area. As it would be set back from the highway and a considerable distance from the nearest houses with some screening from the surrounding trees, I ascribe this moderate weight. Insofar as they are a material consideration the proposal would conflict with policies SP1 and SP9 of the Welwyn Hatfield Borough Council Local Plan which taken together require development to be built to high design standards and relate well to their surroundings.

Need and alternative sites

9. The National Planning Policy Framework (the Framework) sets out an objective of supporting high quality communications. It states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
10. The appeal proposal is for a replacement installation, the appellant having previously been given notice to quit a site at the nearby hospital. Both parties have detailed various attempts to secure a replacement installation at this site, including the lattice mast. Consent has been granted by the council for an installation at the King George V car park, but that site is several hundred metres from the appeal site. It would not, therefore, provide the same coverage as an installation in this location.
11. There have been several attempts to find a replacement site for the installation that formerly stood on the hospital site. My attention has been drawn to the most recent decision on the site from 2023¹ where an appeal for a 20 metre tall mast was dismissed as that Inspector found that the harm to the character

¹ Planning Inspectorate ref: APP/C1950/W/22/3291297

and appearance would not have been outweighed by the need for it. The proposed mast would be 2.5 metres smaller than in that proposal and the minimum height possible to provide coverage in the surrounding area.

12. The appellant has detailed 8 other sites considered in searching for a replacement location. The council notes that the hospital sites listed were made unavailable some time ago due to redevelopment of the hospital site. Nevertheless, the remaining sites on the list have not been challenged. I note that these include a mixture of streetworks and greenfield sites in the general vicinity of the site. However, none were found to be acceptable for reasons of availability or space.
13. The appeal proposal would provide coverage from 2 operators in the surrounding area. It would also provide coverage for the emergency services network. I attach this considerable weight, given that this would be provided by a single mast which would replace a previously consented installation.
14. In this instance, therefore, the need for the installation and lack of alternative sites outweighs the moderate harm to the character and appearance of the area that I have identified.

Other Matters

15. Residents have raised concerns about the health and ecological impacts from an additional mast. However, the proposal is to replace a previously approved mast. Furthermore, the appellant has confirmed that the installation would comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection. The Framework advises that decision makers should not set health safeguards different from these guidelines for public exposure, and no sufficiently authoritative evidence has been provided to show that a departure from this approach would be justified.
16. My attention has been drawn to the presence of a radio mast on a neighbouring site. This is not within the appellants' ownership and therefore they have no control over its presence or removal.
17. One resident has also commented on a persistent humming noise from one of the existing masts in the area. The appeal proposal would replace the existing lattice mast and be sited further away from the nearest houses to the north. Due to its siting any noise from the installation would be limited.

Conditions

18. The Order does not provide any specific authority for the imposition of conditions beyond those contained within it. Those conditions require the development to be carried out in accordance with the details approved, begin within 5 years of the date of the approval, and once no longer required the installation must be removed as soon as reasonably practicable with the land restored to its condition before the development took place.

Conclusion

19. For the reasons given above the appeal is allowed.

M Chalk

INSPECTOR