



Appeal Decision

Site visit made on 26 June 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/W1850/W/23/3329175

Land at Coed Major Farm, Cusop Dingle, Craswall, Herefordshire HR2 0PX

- 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 Cornerstone against the decision of Herefordshire Council.
 - The application Ref is 231548.
 - The development proposed is described as 'the installation of a 30 metre high slimline lattice tower supporting 3 no. antennas, 2 no. transmission dishes, 1 no. equipment cabinet, 1 no. electric meter cabinet, and ancillary development thereto, including the installation of 1 no. GPS module, a generator and fuel tank and a 1.8m high fenced compound for the Shared Rural Network project on behalf of Cornerstone.'
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Decision

1. The appeal is allowed and prior 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 installation of a 30 metre high slimline lattice tower supporting 3 no. antennas, 2 no. transmission dishes, 1 no. equipment cabinet, 1 no. electric meter cabinet, and ancillary development thereto, including the installation of 1 no. GPS module, a generator and fuel tank and a 1.8m high fenced compound, for the Shared Rural Network project on behalf of Cornerstone at Land at Coed Major Farm, Cusop Dingle, Craswall, Herefordshire HR2 0PX in accordance with the application 231548 and the details submitted with it.

Preliminary Matters

2. The description of development in the banner heading is taken from the application form, however I have removed the superfluous words relating to the proposed colour and materials, that are not acts of development.
3. As this is an application for prior approval, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, 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 principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require consideration of the development plan. I have had regard to the policies of the development plan

and the National Planning Policy Framework (the Framework) only in so far as they are relevant to matters of siting and appearance.

5. The 2 purposes of National Parks are to conserve and enhance the natural beauty, wildlife, and cultural heritage of the areas, and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. I have had regard to these purposes in the determination of this appeal.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposed installation on the landscape character of the area, and, if any harm would occur, whether it is outweighed by the need for the installation in the location proposed, having regard to any suitable alternatives.

Reasons

Landscape character

7. The appeal site comprises agricultural land which forms part of Coed Major Farm, located a short distance from the boundary of the Brecon Beacons National Park, now known as Bannau Brycheiniog National Park (NP), and close to the Black Mountains Site of Special Scientific Interest (SSSI). It is on the edge of a group of mature conifer trees, and access to the site is via a track from the main road, which serves the farmhouse and agricultural building. The public rights of way that run along the rear and side of the coppice, form part of a network of footpaths and bridleways in the area including the Offa's Dyke and Cat's Back footpaths.
8. The surrounding area includes an undulating landscape of moors and commons, with wooded hills and farmlands, riverside meadows, and the Wye Valley Foothills, with the steeply sloping rising land of the Black Mountains beyond. There is very little built development within the immediate area, which is distinctly rural in character, with far reaching open views across the wider open countryside. The scattered farmsteads and existing electricity cables and poles in the surrounding area are low lying and do not appear unduly conspicuous in the rural landscape.
9. The appeal proposal would see the siting of a 30m high slimline lattice tower supporting 3 no. antennas and 2 no. transmission dishes, as well as a range of ground-based equipment including cabinets, a generator and fuel tank within a fenced compound.
10. The Council consider the landscape to be a very good to excellent representation of the Landscape Character Types 6: Exposed Sandstone Upland and 7: Sandstone Upland Hills and Valleys, as identified within the Herefordshire County Landscape Character Assessment 2023. I observed at my site visit the nature and appearance of the appeal site and its surroundings accord with the characteristics of these Landscape Character Types and therefore have no reason to disagree.
11. A Landscape Visual Impact Appraisal (LVIA) submitted as part of the application considers a zone of theoretical visibility analysis at a radius of 3km to identify the extent of expected visibility of the mast. The LVIA found that it will be visible mainly from the north and east, with very limited visibility from

some small areas at the eastern boundary of the NP, including Offa's Dyke, where it would have a limited and localised influence, due to the siting and scale of the mast in a very large setting. The LIVA concludes that, despite the localised landscape and visual effects on a small part of the NP and adjoining high sensitivity landscape that forms its setting, the proposal would not materially harm the purposes of the NP designation.

12. In addition, the LVIA finds that the mast would have localised landscape effects from negligible to minor to moderate adverse, which would reduce with distance from the mast, and in views from the representative viewpoints. While the visual effects were found in some cases to be moderate adverse, they were more typically minor to moderate. Having considered the wireframes and photomontages, and my observations on site, I agree with these conclusions.
13. By virtue of its height, the proposed mast would be significantly taller than the nearby conifer trees. Consequently, it would be visible from several different vantage points in the locality, including from both short distance and longer-range views by residents, road users and those on foot on the surrounding network of public rights of ways. When viewed from some directions, the mast would be seen against the backdrop of the rising ground of the Black Mountains, however, this would not be the case all views. Moreover, while the lattice design would lend itself to a degree of visual permeability, the structure would nonetheless be a notable vertical engineered man-made feature within the natural environment, even when viewed against the Black Mountains beyond it.
14. Moreover, by virtue of its height and form, it would appear more visually prominent than other vertical manmade elements in the area such as overhead cable posts and wires. As such, it would appear as an anomalous utilitarian feature, particularly in short range views, and would fail to assimilate into the scenic landscape setting, which is largely free from such man-made vertical elements.
15. The associated equipment at ground level, as well as the lower part of the mast, would be screened by the existing plantation of trees within which it would be sited. I note concern regarding the suitability of the plantation itself within the landscape, however it is nevertheless an established feature. Furthermore, with regard to the longevity of the trees, there is no clear evidence that they would not withstand particular weather conditions and would not remain in situ.
16. Overall, while the effect of the development would be tempered somewhat by the siting of the installation with trees to three sides, and against the backdrop of the slope of the Black Mountains, for the reasons set out the proposal would nevertheless contrast with the prevailing character and appearance of the area and in that regard would have an adverse effect on the rural landscape and setting of the NP and Black Mountains SSSI.
17. Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 17A of the Norfolk and Suffolk Broads Act 1988 and section 85 of the Countryside and Rights of Way Act 2000 sets out that in 'exercising or performing any functions in relation to, or so as to affect, land' in National Parks, relevant authorities 'shall have regard' to their purposes. Planning

Practice Guidance¹ is clear that this duty is relevant in considering development proposals that are situated outside NP boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.

18. The appellant contends that the proposal would enhance the enjoyment of the landscape through the provision of a high quality, reliable 4G network which will encourage visitors to the area and highlights the practical benefits of access to maps on mobile phones and the emergency services, should the need arise. I therefore find that, while the development would not be consistent with the statutory purposes of the NP, in terms of conserving its natural beauty, it would nonetheless promote opportunities for the understanding and enjoyment of its special qualities.
19. For the foregoing reasons I conclude the siting and appearance of the proposal would harm the landscape character of the area. In that regard, and as far as it is determinative on the matter, it would conflict with Policy LGPC 10 of the Longtown Group Neighbourhood Plan 2011-2031 which sets out that, to ensure that development will contribute positively to the area's rural character, proposals will, among other things, protect the views to and from Offa's Dyke Path and the NP.

Availability of alternative sites

20. The Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and sets out that planning policies and decisions should support the expansion of electronic communications networks. The proposal would provide increased coverage in the area, including Craswall and its surroundings, as part of the government backed Shared Rural Network project (SRN). The project, between the Mobile Network Operators and the government, seeks to provide 4G coverage from at least one operator to 95% of the UK by the end of 2025, including areas with no 4G coverage. The lattice tower is designed to enable 2 operators to utilise the structure, the height of which is the minimum required to meet the technical requirements for the necessary coverage, having regard to the landscape and topography. The sharing of infrastructure so as to minimise the number of masts in an area, is encouraged by the Framework.
21. The appeal submissions indicate the limited search area within which the additional equipment is required and that the appeal site is the only suitable option within the target coverage area that would provide the necessary coverage. Three alternative sites have been considered and subsequently discounted, sites D1 and D2 are both located on the top of a ridge within the NP and were discounted due to the designation and access difficulties which would prevent installation. The third site (D3) is located on low ground and would not be able to deliver the required level of coverage to the target coverage area and access constraints mean it would also be difficult to build out. The Council has not provided any suggestions as to alternative sites which might be preferable.
22. Therefore, based on the evidence before me, and having regard to the character of the appeal site and that of the wider area, I am satisfied that the appellant has demonstrated that there are no clear alternatives which would be

¹ Paragraph: 039 Reference ID: 8-039-20190721

preferable and that the site is the least harmful location available to deliver improved coverage within the required area.

23. Considering the above, I conclude that the harm I have identified to the character and appearance of the area, including the conflict with the purpose of the NP in relation to conserving and enhancing its natural beauty, would be outweighed by the need for the installation to be sited as proposed, taking into account the lack of any suitable alternatives.

Other Matters

24. Paragraph 122 of the Framework is clear that local planning authorities should not question the need for an electronic communications system.
25. The appellant's submissions set out that the generator, which would only operate during times of power outage, would be fuelled using an environmentally friendly biofuel such as hydrotreated vegetable oil. Moreover, the generator is to be triple banded to prevent contamination through fuel leaks and to minimise noise. I note that the Council's Environmental Health Officer has raised no objection to the proposal. Given the anticipated likely infrequent use of the generator, and in the absence of any clear evidence that any noise generated would be perceptible or detract from the tranquil nature of the area, I have no reason to disagree.
26. I note concern expressed by an interested party regarding the effect of the development on flora and fauna which may occupy the site, including heather and grasses. However, the site, which the appellant indicates is approximately 850m from the nearest SSSI, is not identified as being of any particular biodiversity value. Consequently, there is no substantive evidence to suggest that the proposed installation would have an adverse effect in that regard.
27. Furthermore, there is no compelling evidence before me to demonstrate that the nature of or lack of treatment of the local highway network would prevent fuel deliveries to the site during winter or that additional areas of hardstanding would be required within the site to enable the access and turning of such vehicles.
28. Rights of way over third party land is a civil matter that falls outside of the planning regime.

Conditions

29. Development permitted under the GPDO, is subject to the standard conditions, set out within it, which include a time limit for implementation, a requirement that development is carried out in accordance with the submitted details, and the equipment is removed when it is no longer required for electronic communications purposes.

Conclusion

30. For the reasons given above the appeal is allowed and prior approval is granted.

E Worley

INSPECTOR