



Appeal Decision

Site visit made on 14 October 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/P1560/W/24/3338935

The Orchards Holiday Village, St Osyth, Clacton on Sea CO16 8LJ

- 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 Freshwave Facilities Limited against the decision of Tendring District Council.
 - The application Ref is 23/00924/TELCOM.
 - The development proposed is erection of a 22.5m monopole, supporting 3 no. antenna apertures and associated ancillary work.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development above is taken from the decision notice as there was no description provided on the application 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 Council 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, having regard to the development plan and National Planning Policy Framework (the Framework) as material considerations in so far as they are relevant to the matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation 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

Character and appearance

5. The appeal site is located within The Orchards Holiday Village, adjacent to a storage yard. The surrounding area comprises buildings associated with the holiday village, static caravans, a car park, and residential properties. The generally modest scale of the built form contributes positively to the character

and appearance of the area. Vertical elements in the area include telegraph poles, street lights and antennas. There is also other street furniture such as satellite dishes and sporadic hedgerows and trees.

6. The proposed monopole would be erected on an area of hardstanding. It has been designed to meet operational requirements while minimising visual effects and is said to be the minimum height necessary to achieve the required service levels, including for 5G provision which the appellant indicates is sensitive to signal interference. However, at 22.5 metres to the top of the tower, the proposal would be significantly taller than the existing street lights and telegraph poles which are the tallest items of street furniture at present. Even if there would be no harmful effect on residents and visitors living conditions and despite being described as slimline, the monopole would be significantly broader than the streetlights and telegraph poles and would have relatively bulky antennas.
7. While the proposed cabinet would be largely screened by the timber fence around the storage yard, almost the entire mast would be clearly visible from adjacent highways and footpaths, both within the holiday park and the surrounding area. The proposal's conspicuous height would be visible not just from Colne Way, but from numerous vantage points on the surrounding streets. Despite the generally urban context of the appeal site and the presence of other street furniture, because of the modest height of existing development and limited tree cover, the monopole would be particularly exposed, readily apparent as a prominent feature.
8. The area is not subject to environmental or other policy constraints and there were no objections to the proposal which would meet an existing gap in coverage, however the monopole would nevertheless be a visually intrusive feature. It would be starkly incongruous and contrast with the modest scale of built form in the locality. Furthermore, the proposal's visual intrusion would be experienced by significant numbers of visitors and local residents as they move between residential areas and within the holiday park.
9. Accordingly, the siting and appearance of the proposal would be unduly harmful to the character and appearance of the area. Insofar as they are a material consideration, the proposal would be in conflict with Policies CP3 and SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (2022) (TDLP). Amongst other things, these policies require proposals to be sympathetically designed, having regard to the impact of new masts upon local visual amenity, which should make a positive contribution to the quality of the local environment and protect local character.

Alternative sites

10. The Framework supports the development of a high-quality reliable communications 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. Framework Paragraph 121c) expects evidence to be submitted to justify all applications. For a new mast or base station this includes evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored. This approach is also reflected in TDLP Policy CP3.

11. It is indicated that site sharing or installing equipment on an existing building has been discounted, however there is no evidence of this. With regard to alternative sites, the Site Specific Supplementary Information Document (2023) is confusing, saying both that no nearby sites were found which would be suitable, and that the first site that was reviewed was deemed optimal for the development. Nevertheless, further, albeit limited, information on alternative sites has been provided in the appellant's appeal submissions.
12. I agree that the option of pairing masts would be more visually harmful than a single mast option, and in any event is said not to meet coverage requirements. The other single mast option presented is closer to the estuary and on lower ground which raises concerns about construction stability. While the primary coverage area is constrained and covers a largely residential area comprising of predominantly single storey buildings, there are intervening areas within the coverage area where no evidence has been provided that alternative sites have been assessed in the site selection process.
13. As such, a robust review of the availability of alternative sites for the appeal scheme has not been properly explored, contrary to the provisions of Framework Section 10 and TDL Policy CP3. Consequently, it has not been demonstrated with sufficient rigour that there are no other potential and viable alternative suitable sites available within the primary coverage area.

Planning Balance and Conclusion

14. Framework Paragraph 118 sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and, in this regard, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The appellant has highlighted various benefits associated with the proposal that would meet changes and increases in uses of telecommunications since the Coronavirus pandemic.
15. The scheme would support high quality communications and digital connectivity by offering 5G services and would therefore be in line with Government aspirations. Nevertheless, while acknowledging these benefits exist, they have effectively been recognised by the grant of permitted development rights in the GPDO. Hence, they do not carry additional weight when considering matters of siting and appearance as part of the prior approval process. Furthermore, given the limitations of the assessment of alternative sites, it has not been satisfactorily demonstrated that the same benefits could not be provided on a less harmful alternative site.
16. The siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the area, which carries significant weight. Moreover, it has not been demonstrated that this harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.
17. Therefore, for the reasons given, and having regard to all relevant matters raised, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR