



Appeal Decision

Site visit made on 28 November 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/B2002/W/24/3349248

**Thorpe Park Holiday Camp, Anthonys Bank Road, Cleethorpes Beach,
Cleethorpes DN35 0PW**

- 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 Ltd against the decision of North East Lincolnshire Council.
 - The application Ref is DM/1088/23/PAT.
 - The development proposed is to erect a 23.14m mast and associated ancillary equipment.
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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) to a erect 23.14m mast and associated ancillary equipment at Thorpe Park Holiday Camp, Anthonys Bank Road, Cleethorpes Beach, Cleethorpes DN35 0PW in accordance with the application Ref DM/1088/PAT dated 7 November 2023 and the details submitted with it including plan nos 100 Rev F, 200 Rev F, 201 Rev F, 300 Rev F, 301 Rev F, 302 Rev F, 303 Rev F, 401 Rev. F, 501 Rev. F, 402 Rev F, 403 Rev F, 404 Rev. F, 405 Rev. F, 500 Rev. F and 503 Rev F.

Preliminary Matters

2. 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 local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representation received. My determination of this appeal has been made on the same basis.
3. Whilst a revised version of the National Planning Policy Framework was published on 12 December 2024, (the Framework), the sections relevant to this appeal remain unchanged. Therefore, the principles that apply to this decision remain the same.
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 regard to be had to the development plan. I have therefore had regard to the policies of the development plan and the Framework only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area including the character or appearance of the Humberston Fitties Conservation Area (CA) with regard to its setting.

Reasons

6. The appeal site is located in an area of land within the Thorpe Park Holiday Camp. The camp comprises caravans, lodges, tenting and touring plots, and a number of leisure facilities. The proposed mast would be located on a grass verge next to the road near to the main reception area and core hub of the leisure facilities and the aerial adventure structure. There are several streetlamps and signs which align the access road. In the southern part of the holiday park there is a golf course, beyond which are a small group of onshore wind turbines.
7. The appeal site is situated outside, although close to the boundary of the CA. The significance of the CA derives from its historic use as plots divided for holiday use which developed after the First World War. Although many chalets have been modernised it generally retains its historic character through the layout of individual plots. I note that no objections to the proposal were raised by the Council's Heritage Officer.
8. The proposal would include a 23.14m mast with associated antennas, in addition to a cabinet and associated structures, all of which would be painted green. The appellant puts forward that the mast has been designed to meet operational requirements whilst minimising impact on the visual and residential amenity of the surrounding area.
9. The tree line is shown on drawing no 300 F as being between 11.14m and 13.75m in height. This would mean that a significant proportion of the mast would extend above the tree canopy and would be visible against the sky. However, as it would be located near to the main hub of the holiday camp, much of the mast would be seen within the context of the structures associated with the various leisure facilities, including the flood lights, lamp posts and ariel adventure.
10. The holiday camp is broken up into discrete sections, which are bounded by mature landscaping. This screening provides a sense of visual enclosure to the camp and prevents long distance views towards the appeal site. Given its location near a number of tall, urban structures the mast would not appear unduly prominent within the immediate surrounding area. The associated cabinet and other structures would be seen within the road verge but given the surrounding context would not lead to visual clutter.
11. The appeal site is closest to the most northerly part of the CA and near to the main leisure buildings associated with the holiday camp. A wide landscaping buffer runs around the east and south of these leisure buildings. There is a break in this band of landscaping, before it continues along the boundary of the holiday camp with Anthony's Bank Road. The top of the mast is likely to be glimpsed against the sky from Anthony's Bank Road through the landscaping gap.

12. In between the appeal site and the CA are a number of static caravans and the playing pitch, with associated flood lights. To the more northerly section of the holiday camp the CA is separated by the large structures and leisure buildings. The combination of the landscaping and existing buildings would mean that the mast would be visually self-contained from wider views from within the CA. Given the enclosed character of the holiday camp and the separation distance between the appeal site and the CA, the proposal would not be a prominent feature and would not cause harm to its character and appearance or its setting.
13. The proposal therefore complies with Paragraph 219 of the Framework, which states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Consequently, I consider the siting and appearance of the proposal would be acceptable.

Other Matters

14. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
15. Concerns have also been raised in relation to the potential impacts on ecology and the Humber Estuary Site of Special Scientific Interest (SSSI). The proposal has been screened¹ in relation to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017) ('The EIA Regulations'), which concluded that the proposal would not be likely to have significant effect on the environment. In addition, no evidence has been put forward in relation to how the proposal would harm ecology and I note that no objections have been raised by the Council's ecologist. The proposal would, therefore, have an acceptable effect on the SSSI.
16. Comments have also been raised in relation to noise and disturbance from the holiday park and liability issues however these are not matters for my consideration in the determination of this appeal.

Conditions

17. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

¹ APP/B2002/W/24/3349248

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed and prior approval be granted

C Skelly

INSPECTOR