



Appeal Decision

Site visit made on 21 January 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2025

Appeal Ref: APP/J1535/W/24/3349244

Land adjacent to Chigwell Library, Hainault Road, Chigwell, Essex IG7 6QX

- 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 Ltd against the decision of Epping Forest District Council.
 - The application Ref is EPF/2805/23.
 - The development proposed is a telecommunication base station installation comprising a 25m monopole, supporting 6 no antennas, 2 no dishes, together with 3 no cabinets, and ancillary development thereto including compound fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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 representations received. My determination of this appeal has been made on the same basis.
3. The Council has referred to development plan policies in its decision notice. However, the principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. It is noted that the description of the development, referencing a lattice mast, was incorrect and not in accordance with the submitted plans. I have therefore amended the description of the development to ensure accuracy.
5. A revised National Planning Policy Framework was published on 12 December 2024. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the significance of the designated heritage asset, the Former King William IV Public House, 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

7. The appeal site is an area of land adjacent to a single storey building currently used as a library, within a small, wooded area to the rear of the buildings on High Road. The surrounding area is largely residential with open fields to the east. Along with the wooded area this gives the site a relatively rural feel whilst being in a suburban location. The proposed mast, at a height of 25 metres, would be located adjacent to the library, its car park and the existing mature trees within the wooded area, said to be approximately 18 metres in height. The equipment cabinets would be positioned adjacent to the mast within a small fenced off compound.
8. As the proposed mast would be adjacent to open fields and well separated from any larger built form in the surrounding area, it would be a highly visible addition within the streetscene and from surrounding viewpoints. It is noted that the proposed height is necessary to operate effectively. However, it would be considerably greater in height than the immediate buildings and street furniture, including lighting columns on High Street. It would also tower over the existing trees, which, due to the height proposed, provide little in the way of screening. Despite the use of a simple monopole, rather than a lattice structure, to minimise the visual intrusion, the mast would be more prominent than surrounding objects due to its bulky and top heavy design and industrial appearance in this suburban residential environment.
9. Due to its significant height and prominent appearance, along with the open nature of the immediate area, the proposed mast would be a visually dominant and incongruous addition to the surrounding area. I do not consider that any alterations to the colour of the proposed mast would mitigate its overall impact on the character and appearance of the area.
10. The Council raise no objections in relation to the siting and appearance of the proposed cabinets and ancillary development, including the compound fencing, and I find no reason to disagree with this. Nevertheless, due to its dominant and incongruous nature, the proposed mast would have a significantly harmful impact on the character and appearance of the area.
11. The proposal would also be located in close proximity to the grade II listed building, the Former King William IV Public House, located on High Road, which is a designated heritage asset. It appears that its significance is derived, at least in part, from the antiquity of its structure and from its status as a well preserved example of a vernacular building of its age and type. The verdant backdrop, contributes to how this asset is appreciated and this setting makes a positive contribution to the significance of this listed building.
12. Although not located directly next to this building, the dominant nature of the proposed mast in the surrounding area would detract from the character and

appearance of this designated heritage asset to the detriment of its contribution to the streetscene. Whilst there would be limited intervisibility between the proposal and this listed building, views of the former public house would largely be dominated by the proposed mast to the rear. Therefore, the proposal would result in harm to the significance of this designated heritage asset.

13. Due to the distance between the appeal site and the grade II listed building, the harm found is relatively small and therefore, having regard to the Framework, the harm to the significance of the designated heritage asset is less than substantial. The Framework requires, where there would be less than substantial harm, for it to be balanced against the public benefits of the scheme.
14. The proposed development would facilitate reliable, up to date, connectivity for the operator's network and comes after a number of complaints in relation to an unreliable coverage. The proposal would therefore provide increased 3G, 4G and 5G capacity for mobile phone users to access a reliable service in the surrounding area. This is supported by paragraph 119 of the Framework which states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). However, limited evidence has been provided to demonstrate this need and as such, this public benefit can only be afforded moderate weight.
15. Paragraph 212 of the Framework states that when considered the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Therefore, I conclude that, the public benefits of the scheme outlined above would not outweigh the less than substantial harm to the heritage asset previously identified.
16. Paragraph 122 of the Framework states that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development. The appellant has identified a requirement to provide network coverage in the area and has stated that the erection of a new ground-based mast in this location would be the only viable route to ensure the delivery of the necessary service, as opposed to site sharing or use of an existing building or tall structure. However, although the Council do not contest this matter, no explicit evidence has been provided by the appellant to demonstrate this as required by paragraph 122(c) of the Framework.
17. As well as the appeal site, five other sites have been considered to accommodate the proposed development. These were discounted for various reasons relating to access for maintenance, location within a Conservation Area, unresolvable underground services and a lack of coverage. The appellant considers that there are no alternative locations. This reasoning has not been disputed by the Council. Therefore, although limited evidence has been provided in relation to site sharing or the use of an existing building or tall structure, I accept that it is unlikely that a more suitable site may reasonably be available to fulfil the identified need. As such proposals are permitted development and have been accepted in principle, this need is given moderate weight.

18. For the reasons set out above, the proposed mast would result in significant harm to the character and appearance of the area, including the nearby designated heritage asset, which is not outweighed by public benefits. Therefore, although it is unlikely that a more suitable site would be available to achieve the identified need of providing 5G network coverage in this area, in this instance I do not consider that the need for the installation would outweigh the significant harm that I have found in relation to the character and appearance of the area and significance of the designated heritage asset. As such, on balance, I find that the siting and appearance of the proposed installation would be unacceptable.

Other Matters

19. The appellant has brought a number of other appeal decisions to my attention, demonstrating examples of where the siting and appearance of a mast has been found acceptable, where the benefits outweighed the harm found, where the lack of alternative sites outweighed the harm and where the Inspector highlighted that there is no requirement within the Framework or the GPDO for developers to select the best feasible siting. Whilst I note the finding within these examples, none of these matters are comparable to the appeal before me or would lead me to a different conclusion from the one I have reached, as outlined above.

Conclusion

20. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR